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A SELECTION FROM *the* WORLD'S GREAT O R A T I O N S

ILLUSTRATIVE *of the* HISTORY OF ORA-
TORY *and the* ART *of* PUBLIC SPEAKING

CHOSEN AND EDITED WITH
A SERIES OF INTRODUCTIONS

By S H E R W I N C O D Y

EDITOR OF "THE WORLD'S GREATEST SHORT STORIES,"
"THE BEST ENGLISH ESSAYS," AND "THE BEST TALES AND
BEST POEMS AND ESSAYS OF POE," AND AUTHOR OF "THE
ART OF WRITING AND SPEAKING THE ENGLISH LANGUAGE"



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A. F. MORRISON

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P R E F A C E

WHEN we consider that two learned professions, those of the law and the church, depend largely for their success on skill in public speaking, it seems a little strange that oratory has so far fallen into neglect. We have many schools of elocution and dramatic art, but not one school of true oratory; and even the law schools and theological seminaries pay all too little attention to public speaking.

So true is this, that there is not now published in the United States a hand-book in which may be found the great model orations of the past. School "Speakers" filled with poems, dialogues, and amusing recitations are published by the hundred; but even in these only a few eloquent paragraphs of great oratory have been included, and in no case a single complete oration.

That interest in oratory still exists, however, is evidenced by the fact that three great collections of the best orations of the world have lately been published, each in ten or more large volumes, for subscription sale. These, however, are not available for the aspiring student, both

because of their high price and because of their unwieldy form and bulk.

Two difficulties confront the editor of orations at the outset. A great speech is usually a long speech, and present day interest in the subject would not permit the ordinary reader to wade through a lengthy discussion of an issue dead and buried in the past. Besides, only a few long speeches can be included in one ordinary volume. The extreme on this side is to be seen in the subscription collections of orations already referred to.

On the other hand, a mere declamatory paragraph is not an oration. The extreme on this side is seen in the selections from orations to be found in school readers and speakers.

In the present volume there will be found half a dozen entirely complete orations, and half a dozen more so abridged that the element of construction is not destroyed. Most great orations were not written out, and we have to depend on short-hand reports more or less imperfect. Besides, oratory is a thing of an occasion, and many things belong to an occasion which are only a hindrance to the reader who is wholly removed from that occasion. There is, therefore, by no means the same objection to abbreviating our record of an oration that there is to cutting up a carefully written and finished essay. Had the orator himself lived to our time, he would have cut up his own orations in a similar fashion.

There is, indeed, a most excellent reason for attempting to condense some great orations, such as that of Demosthenes "On the Crown," for example. Demosthenes spoke to an audience deeply interested in the subject and the question at issue; we are interested only in Demosthenes. Yet if we would understand Demosthenes, we must let him play upon our attention and emotions as he played upon those of his audience over two thousand years ago. Because of the distance of time and difference of manners and customs, our interest is but a shadow, and we must be played upon by a much smaller oration, not too large for our interest to master. We therefore understand the skilfully abbreviated oration far better than we would the complete one.

In order to get the effect of any speech, we ought to see before us in imagination the time and place, and understand the emotions of the people the orator was addressing. Then we shall appreciate what he accomplished by his oratory. No edition of selections known to the editor has attempted to provide this dramatic setting. In the present volume, however, the introductions will provide something of this dramatic setting for the imagination of the reader.

English oratory has run far too much to "lofty declamation"; but this is not the only effective kind; indeed it often leads to failure by reason of its excess. The editor of this volume

has tried, as far as possible, to present the different ways in which a speaker may sway his audience, and in his introductions he has suggested the peculiar advantages of each mode.

While elocution is essential to good oratory, it is by no means the principal thing. Others who have written on elocution have done so with far more knowledge and experience than the present editor can claim. He has, therefore, devoted his attention chiefly to the great questions of rhetorical construction, and the human problem of moving men by speech.

Whatever this volume is more than a reprint, the editor may claim without acknowledging indebtedness to any. Indeed, he felt himself sorely handicapped by the dearth of material accessible in Chicago.

GENERAL INTRODUCTION

THE ESSENTIALS OF ORATORY

I

AN oration is successful or the reverse, according to the effect it produces. A poem, an essay, possibly even a novel, may be great and yet never do anything but please one reader. A successful oration, however, must so stir a public body that something will be done: an Æschines must be worsted and driven into exile, a Catiline must be made to flee from Rome, an obstinate and riotous audience compelled to listen with respect. Sometimes, it is true, the cause of the orator does not literally triumph; but at any rate his words shake a nation till it trembles like a leaf.

“Oratory,” says Macaulay, “is to be estimated on principles different from those which are applied to other productions. Truth is the object even of those works which are called works of fiction, but which, in fact, bear the same relation to history which algebra bears to arithmetic. The merit of poetry, in its wildest forms, still consists in its truth, — truth conveyed to the understanding, not directly by the words, but circuitously by

means of imaginative associations, which serve as its conductors. The object of oratory alone is not truth, but persuasion. The admiration of the multitude does not make Moore a greater poet than Coleridge, or Beattie a greater philosopher than Berkeley. But the criterion of eloquence is different. A speaker who exhausts the whole philosophy of a question, who displays every grace of style, yet produces no effect on his audience, may be a great essayist, a great statesman, a great master of composition, but he is not an orator. If he miss the mark it makes no difference whether he have taken aim too high or too low."

There are two great types of oratory, which are fortunately represented in their perfection by the first two great names in the history of oratory, — Demosthenes and Cicero. Both are deserving of the most careful study, and it is to be regretted that we have to read them in very imperfect translations. Often as these two great writers have been rendered into English, and sometimes even by so eminent orators and men of letters as Lord Brougham, they have never been given an English setting to be compared either with the perfection of the original, or with the best efforts of really inferior English orators. For style, therefore, we must look to other models; but for construction and manner and method of appeal, we can nowhere find anything nearly as useful.

Demosthenes is usually acknowledged to be the

world's greatest orator; yet he is by no means the model most followed by English speakers. He is eminently plain and unadorned. His strength lies in his earnest sincerity and sterling character, coupled with a remarkable sympathy for his audience, and great skill in appealing to the prejudices and passions as well as the reason of that audience. He was also one of the most energetic and fiery speakers the world has ever produced, — fiery, yet absolutely self-controlled. Cicero, on the other hand, was less of a statesman, and more of a polished man of letters. He dazzles us with the brilliancy of his rhetoric. His words roll out in perfect oratorical rhythm, his periods are nicely balanced, his figures of speech and his choice of words beautifully artistic, singing through the mind like music and enchanting the ear. He is what we would call a "brilliant orator." His style is the declamatory, so popular with schoolboys and ambitious young orators. And indeed he has been the model for most of the great English and American speakers. Few of them, however, have had his really broad and vital culture.

Both these great models of oratory demand our careful study. The style of Demosthenes is the best in speaking to a jury; that of Cicero in speaking to a popular assembly. It would be useless to employ the manner of Demosthenes in delivering a Fourth-of-July or after-dinner oration, for example; and, on the other hand, lawyers

often waste their energies in wild declamation before a jury that is to be impressed and convinced. The ideal orator is the one who might be able to use both styles on the proper occasions, and use both well.

For the convenience of our study, let us arrange the orators studied in this volume in two groups, with a word of characterization about each.

Demosthenian

SAVONAROLA: simple and plain, and also fiery, but not so artful as Demosthenes in his appeal to the audience;

MIRABEAU: the best modern type of Demosthenian oratory, less fiery and more philosophic;

CHATHAM: possessed of the earnestness and sincerity of Demosthenes, and also of his fiery and energetic manner; but lacking his skill in artful appeal to his audience;

GRATTAN: modelled on Chatham, and inclined to the style of Cicero, but winning by his energy and close appeal to his audience;

CURRAN: eminently Demosthenian in his appeal to his audience, though lacking the high earnestness and technical perfection and polish of the Greek;

Ciceronian

BOSSUET: a true disciple of Cicero, as a preacher, but adding the element of sentiment;

BURKE: in style and richness of language decidedly superior to Cicero, but lacking constructive reasoning and persuasion;

FOX: rhythmical and brilliant in style, with unusual powers of persuading an audience;

SHERIDAN: similar to Fox, but more gentle, witty, and good-humoured, though much less powerful;

Demosthenian

ERSKINE : a successful jury-pleader like Curran, but more stately and polished, — in short, much more Ciceronian in manner, though not in his plan of appeal;

LINCOLN : though hardly a developed orator, his great speeches are perfect examples of the Demosthenian style at its best ;

BEECHER : in his speech on raising the flag at Fort Sumter, Beecher was purely Ciceronian, and that was his natural tendency ; but in the speech at Liverpool he was forced by circumstances to be purely Demosthenian in manner in order to hold his audience.

Ciceronian

PATRICK HENRY : a natural Ciceronian orator, who studied Cicero and modelled his eloquence on that of the Roman ;

DANIEL WEBSTER : a pure type and acknowledged disciple of the Ciceronian, affording splendid school declamations, but capable of using all the methods of Demosthenes ;

INGERSOLL : one of the most polished and successful masters of rhetoric, who could entrance any audience.

Gladstone can hardly be classified in this way. It will be observed that all the short selections at the end of this volume are those "eloquent passages," often quoted, which stand in the popular mind as the essence of oratory. They are bits of brilliant declamation in its most concentrated form.

The first step to a just appreciation of great oratory is to disabuse the mind of the idea that the power to deliver these rhetorical and brilliant passages is the great end toward which the student must strive. It is not. Such an idea leads invariably to failure.

The essential element in oratory is simply the ability to talk to the heart of the hearer. In one form or another this is the secret of success in all literary art; but it is peculiarly so in oratory. Yet in oratory especially we are liable to overlook this element, since in the great orations of history the declamatory eloquence alone remains, the audience, the occasion, and even our knowledge of the occasion having passed away. We therefore read great speeches without feeling that the orator is trying to persuade us, or any one, or in fact is doing anything more than displaying his skill. This is especially true of oratory of the Ciceronian type. It forms a special reason why we should try to study Demosthenian types, since they are so simple, and so obviously an appeal to the audience to do something, and the glittering rhetoric which distracts our attention is absent.

Truly great oratory is the result only of a great occasion. The occasion which called forth the oration "On the Crown," spoken of as the world's greatest, was the most important that could be found in the life of any man, and the difficulties to be overcome were the most serious. Demosthenes spoke for his life and his reputation; he spoke in the face of battles lost and a country ruined, which seemed to say with awful voice, "You have failed!" He knew that he had not failed; but certainly appearances were against him. To speak of himself without egotism or offence was equally a great difficulty.

Only the exercise of his utmost skill, the employment of his most consummate art, could save him. He played the game of oratory against his opponent, and won a most striking victory.

Cicero deliberately undertook to drive Catiline from Rome by his speech; and he succeeded. A still greater triumph, perhaps, was that of his speeches against Verres, for they drove the Governor of Sicily to seek an asylum in Marseilles even before they were delivered. And Verres himself thought he was fortunate; for had he waited for the delivery of the speeches, the mob would have torn him in pieces. In the hands of a master like Cicero, glittering rhetoric became a weapon to accomplish his purposes, not a thing for show on public occasions, as it often is in the case of our modern orators who speak to entertain, rather than to win some great battle for the truth.

It is true that the greatest oratory has not always been successful in accomplishing precisely the concrete end in view, as, for example, the great speech of Chatham on taxing America. It did not prevent the taxation then and there; but in a larger sense it is recognized as one of the forces that freed America; and it will ring through American history to all time.

Grattan's famous "Declaration of Irish Rights" really paved the way for Irish freedom, and secured a gift of money from his grateful countrymen—a substantial testimonial to the power of his eloquence.

When the great occasion is wanting, the enchantment of the audience by brilliant rhetoric (such, for example, as that of Ingersoll in his Decoration-day oration) is the only thing that can be accomplished. But even that success results directly from talking straight to the heart of the audience.

No man who has not a liking for his audience, a faith in it, a deep sympathy with it, can ever succeed as an orator; and his success will be in proportion to his sympathetic understanding of that audience. And since knowledge of life comes only with experience, the greatest orations have usually been spoken when the orator was in the fulness of his powers, if not actually old. Chatham's great speeches were all spoken in his old age; Mirabeau's great speech came almost at the end of his life; Demosthenes's greatest oration was his last; Burke was forty-five when the first of his great speeches was delivered, and nearly sixty at the time of the speeches impeaching Warren Hastings. The only speech in the present collection delivered in the early life of the orator is that of Grattan, spoken when he was thirty-four, — and that age can hardly be called "youth." At these ages, youthful exuberance and florid language have passed away. The orator speaks as the father to his children. Only when the greatness of the occasion rouses him and them to such a pitch that sublimity of language alone

will express their mutual feelings does the great orator indulge those "flowers of oratory" which the young so love to affect.

We may now read with intelligent understanding Webster's definition of true eloquence. Says he, —

"When public bodies are to be addressed on momentous occasions, when great interests are at stake, and strong passions excited, nothing is valuable in speech, farther than it is connected with high intellectual and moral attainments.

"Clearness, force, and earnestness are the qualities which produce conviction. True eloquence, indeed, does not consist in speech. It cannot be brought from far. Labor and learning may toil for it, but they will toil in vain. Words and phrases may be marshalled in every way, but they cannot compass it. It must exist in the man, in the subject, and in the occasion. Affected passion, intense expression, the pomp of declamation, all may aspire after it. They cannot reach it. It comes, if it come at all, like the outbursting of a fountain from the earth, or the bursting forth of volcanic fires, with spontaneous, original, native force. The graces taught in the schools, the costly ornaments, and studied contrivances of speech, shock and disgust men when their own lives, and the lives of their wives and children, and their country, hang on the decision of the hour. Then, words have lost their power. Rhetoric is vain, and all elaborate oratory contempt-

ible. Even genius itself then feels rebuked and subdued as in the presence of higher qualities. Then, patriotism is eloquent. Then, self-devotion is eloquent.

“The clear conception, outrunning the deductions of logic, the high purpose, the firm resolve, the dauntless spirit, speaking on the tongue, beaming from the eye, informing every feature, and urging the whole man onward to his object, — this, this is eloquence, or rather it is something greater and higher than eloquence; it is action, noble, sublime, God-like action.”

II

WHILE it is true, as Webster says, that art will not make an orator, it is equally true that no orator was ever made without art. The most painstaking and persistent training have invariably been necessary to great success.

What, then, should be the training of the orator? What will fit the great man to meet the great occasion when it shall come, and to speak with power to the heart of a great audience?

There are three important elements — voice, gesture, and words.

Undoubtedly the music of the voice, the tone filled with sweetness and intelligence, is the first thing that catches the ear of the audience. The development and management of the voice is a

fine art in itself, and an important one, but the subject cannot be considered in detail here. A brief summary of the objects to be attained must suffice.

First, if the voice is not naturally smooth, sweet, full, and resonant, it should be trained until it becomes so. Harshness and weakness of voice are in themselves defects sufficient to spoil the effect of the best oration.

But the most imperfect voice may be used with effect within a limited range, if the speaker realizes that he is conveying meaning to some particular listener, and will try to make his voice simply expressive of his meaning. Earnest, clear, simple talking to the heart of an audience will usually secure and hold attention. If to these are added energy, sincerity, and faith in one's own cause, results are almost certain to follow: oratory will prove itself successful.

Gesture in oratory, to be of any value, should be nothing more or less than perfect command of the body, so that it will spontaneously respond to the eager thoughts within. Unconscious ease and freedom are worth a thousand times more than all the artificial systems of gestures in the world.

Far more important than either voice-training or study of gesture, is mastery of the rhetorical art of persuasion, which includes not only the arrangement and management of words, but the choice and presentation of the thought itself.

First of all, the subject of a successful oration can be only one in which the audience is really interested.

And second, the distinctions of ideas, the train of reasoning, and the character of the illustrations used, must be precisely on a level with the popular mind: leader though the orator would be, he must stand only one step in advance. This means that success in oratory requires perfect understanding of the audience, sympathy with its views, and the discussion of the entire subject from its point of view alone. This sympathy and abnegation of the orator's own personality are more likely to bring success unaided than any and all other qualifications without them.

But with this sympathy with the mind and heart of the audience, there must go the spirit of command and leadership in the orator. The world yields to the man who understands all its weaknesses, but displays in himself the spirit of control. This results primarily from simple confidence in self, for the timid man can never be a successful orator. But it is more than self-confidence, — it is what is often called "magnetism," the power of the eye, — in reality, the power of sustained concentration, and steady, unwavering application of mental force. Not alone will the timid man, but also the flighty, wavering, uncertain man, fail as a public speaker.

Let us now consider the language of oratory. An oration is spoken to a large audience; an

essay or published work of literary art of any kind is intended for closet reading, and should be in that style which would be natural if the writer were sitting alone with an intimate friend and were talking to him alone.

When the voice is to carry but a few feet or a few inches, the tone seems to have a shorter wave movement than when it is to carry a longer distance and fill a large hall. Hence in public speaking we have long and rolling sentences, words that fill the mouth, and sustained periods. The orator begins in a natural tone of voice; and as he proceeds, awakening the interest of his hearers, exciting their emotions, and fixing their attention, he takes longer flights, works toward climaxes, and tries to sweep his hearers on by the roll and forward movement of his words. When he has worked his audience up to its highest pitch of excitement, he delivers those famous perorations popularly denominated "true eloquence," or simply "eloquence." But if such lofty forms of language were used without the most careful preparation of the audience, they would fail to produce the intended effect, and fall like a damaged skyrocket.

It is particularly to be noted that the lofty style can be maintained with safety for only a few moments, usually only for a single paragraph. Lofty flights are very wearying; and not only must the interest of the audience be worked up to a certain pitch of intensity in order to sustain

them at all, but they must soon give way to relaxation and more ordinary statement, humor, or anecdote. Macaulay employed the oratorical style continuously, and even in his written essays; and Burke constantly wrote in a lofty and eloquent style. But in both cases weariness soon resulted. Burke was known as "the dinner bell of the House of Commons," because when he began to speak the benches were promptly emptied; and Macaulay was often forced to speak to a thin audience. Great orators though they were for great occasions, they were too great for ordinary occasions.

The resonant rhetorical roll of language is almost essential to the orator who speaks on some occasion of mere sentimental interest, to an audience that has assembled to be entertained. Such an audience comes expecting an oratorical display, and is disappointed if it does n't get it.

But when the really great occasion arrives, and an audience is to be persuaded to do something it is reluctant to do, oratory is quite a different matter. Such an occasion is constantly occurring when a lawyer has to address a jury that is to render a verdict on which important interests depend.

Forensic oratory (as jury-pleading is commonly called) differs from "occasional oratory" in many essential particulars. First, the audience is small, and the oratorical wave movements (so to speak) must be correspondingly short. In

other words, the speaker must use a more simple and conversational manner than in "stump speaking," for example.

And here the matter of greatest importance is, not to charm and entertain by a display of verbal fireworks, but subtly and artfully to appeal to the prejudices, common-sense ideas, and habits of reasoning of the jury. Fully persuaded of the justice of his case, with earnestness and sincerity of manner, the lawyer talks directly at and to the jury. He tries first of all to get their confidence, to make them feel that he is talking to them like a reasonable and just man. He grants the opposition everything he can, he shows that he appreciates the case against himself, and above all he shows the jury that he understands their own point of view and sympathizes with it. If he can he makes a personal appeal to them on any side on which he thinks they may be sensitive, especially trying to cause them to doubt their preconceived views, and silently abandon conclusions they had come to even though they had not by word or look expressed those conclusions. By his sympathy, the orator sees and feels those conclusions, and talks about them in a frank yet friendly way that makes the jurymen feel that their minds are an open book to this magician.

This skilful, subtle appeal and manipulation, so to speak, is admirably illustrated in Demosthenes's oration "On the Crown" and in Curran's plea for "The Press." The style is almost

conversational. Bombast is wholly absent. The language is plain and simple: such language creates confidence, whereas rhetorical eloquence would have excited suspicion. When some well-known scene is recalled, in connection with which there is no matter of dispute, the orator becomes more rhetorical, and rests the strained attention of the jury by a little oratorical display, introduced chiefly for their entertainment and admiration, not at all to persuade them. Sometimes at the end, when the speaker sees that he has won his case (as Demosthenes did at the close of his oration "On the Crown"), he rises above the petty details of his own jeopardy, and speaks like an eloquent statesman considering great principles of public policy. Thus is the good opinion he has created affirmed and strengthened in the minds of his audience.

The jury-pleader is liable to two errors, at opposite extremes: he may confine himself to merely arguing the facts he has to present, without giving any attention to personal appeal to the juror as a man, — to his prejudices, his habits of thought, his partly formed conclusions; or he may try to be eloquent and make too frantic an appeal to prejudices, thereby destroying confidence in his own fairness, and in the accuracy of his reasoning and in his conclusions. Slight deviation one way or the other will completely nullify the entire effort. Poise and balance — that is, self-control in the highest degree — is the most

important element of all for real results in any given case.

We have spoken of the "occasional orator," who comes on some great holiday to entertain the people and give them a thrill of patriotism or of enthusiasm; and of the jury-pleader, who speaks for the sole purpose of getting a select and well-balanced body of men to do something. There are two other kinds of oratory which demand attention, — the oratory of the pulpit, and political oratory. Let us consider the latter first.

The object of the political speech is partly to win votes by reasonable appeal, and partly to dazzle the common herd by a brilliant display. The political audience, whether at a public mass meeting or in legislative halls, is as a rule highly irresponsible. A jury is sworn to give attention to what is said; but a political audience will not give attention unless attention is compelled. The first essential is to make some startling statement, tell some amusing and appropriate anecdote, or give some display of pyrotechnics, that will get the attention of the audience. That attention must be secured first of all, and before any serious pleading can even be thought of.

But the moment the attention is secured, the orator must plunge into his subject and proceed by the same artful devices that are required for jury-pleading, except that a point must never be pressed too far, prolonged reasoning must be avoided lest the attention break and go to pieces,

and whenever the attention does flag, the speaker must resort to his tactics of amusement.

One of the most difficult speeches of this kind to deliver which we have on record fully reported, is that of Henry Ward Beecher at Liverpool in 1863. He had an audience not only irresponsible, but distinctly, wilfully hostile, and he had to command its attention even against its will. As we read the report we see again and again how the impression of a single word will send them off into riot.

Webster's Reply to Hayne is a political speech of a very different kind, delivered under precisely opposite conditions. Webster had an eager, intelligent, and reasonable audience. His chief difficulty lay in the fact that the audience expected great things of him, and unless he rose to their expectations, he would lose their confidence.

The early part of his speech is an oratorical entertainment of a kind calculated to reassure his hearers in his own leonine powers. He gives his brilliant display at the very start, for that is what the audience was looking for.

Then he proceeds to answer his antagonist item by item, with a certain amount of humour and lightness. Gradually he worked his audience into a condition of perfect sympathy with himself, and of intense interest in what he had to say. At last he is ready to come forward with his analysis of the constitution of the nation, — the part of his speech that makes it really great, and for

which he had been step by step preparing his audience.

In modern times there is a vast deal of preaching from the pulpit, but very little good oratory. Ostensibly the clergyman is trying to persuade his audience to live more holy lives. As a matter of fact, however, he feels in his heart that this is nearly hopeless, and he talks without an expectation that anything of importance will result from it. He is but one feature in a solemn service, which affords an agreeable relief to the strenuous life of the week. Under such circumstances it is not remarkable that church oratory has declined.

In the present volume we have included two brief but admirable specimens of what good preaching may be, if the preacher desires to avail himself of his opportunities. The first of these selections is from Savonarola.

Savonarola's preaching was made up of two types, his talks to his flock, — the language of the father to his children, the shepherd to his sheep, — and his invectives against the wickedness of the great and mighty both in and out of the church. He courageously preached against Lorenzo de' Medici. When Lorenzo sent for him he refused to go: Lorenzo might come to him. His quiet, unyielding attitude won for him. To his flock he talked in a confidential manner. Deep love was his motive. His known courage gave strength to his quietest utterance, and under all there is a thrilling suggestion of suppressed en-

ergy and unwavering courage that makes his simplest whisper significant and effective. When the power is known to exist, the orator may often secure his most telling effects by substituting for impassioned oratory the simplicity of an almost whispered conversation. Any preacher to-day possessed of courage and love might do the same things.

The other example of pulpit oratory is the selection from Bossuet.

It must be remembered that Bossuet was the preacher at the court of Louis XIV, the most weak and worldly assemblage of brilliant men and women recorded in history. Bossuet was a preacher peculiarly adapted to a worldly audience, especially a worldly audience of women. He realized that he must keep the confidence of his auditors, or his influence over them for good would be gone forever. He had no simple flock to fall back on as Savonarola had. If he drove away the royal mistresses and brilliant worldly women, he failed as completely as if he surrendered himself to their own vices. He therefore tried to entertain them with his Ciceronian display, to which he added sentiment in a way peculiar to himself.

Bossuet had that sentiment and sympathy held well in check. He was unquestionably a good man, working in the only way open to him under the circumstances. Taking his audience where he found them, he tried only to lead them one

step higher. As a result, he won La Vallière, one of the King's mistresses, to renounce the world and enter a convent; and many a woman of that brilliant court he kept from falling into a wanton and dangerous life.

His style is the declamatory softened by sentiment — and that softening almost wholly changes its nature.

We see no special exhibition of courage in Bossuet. In place of it he had merely personal self-control and restraint. Yet by sympathy and love he won much, though but a fraction of the noble accomplishment of Savonarola.

A word remains to be said of the unambitious man who nevertheless is called upon occasionally to speak and wishes to acquit himself creditably.

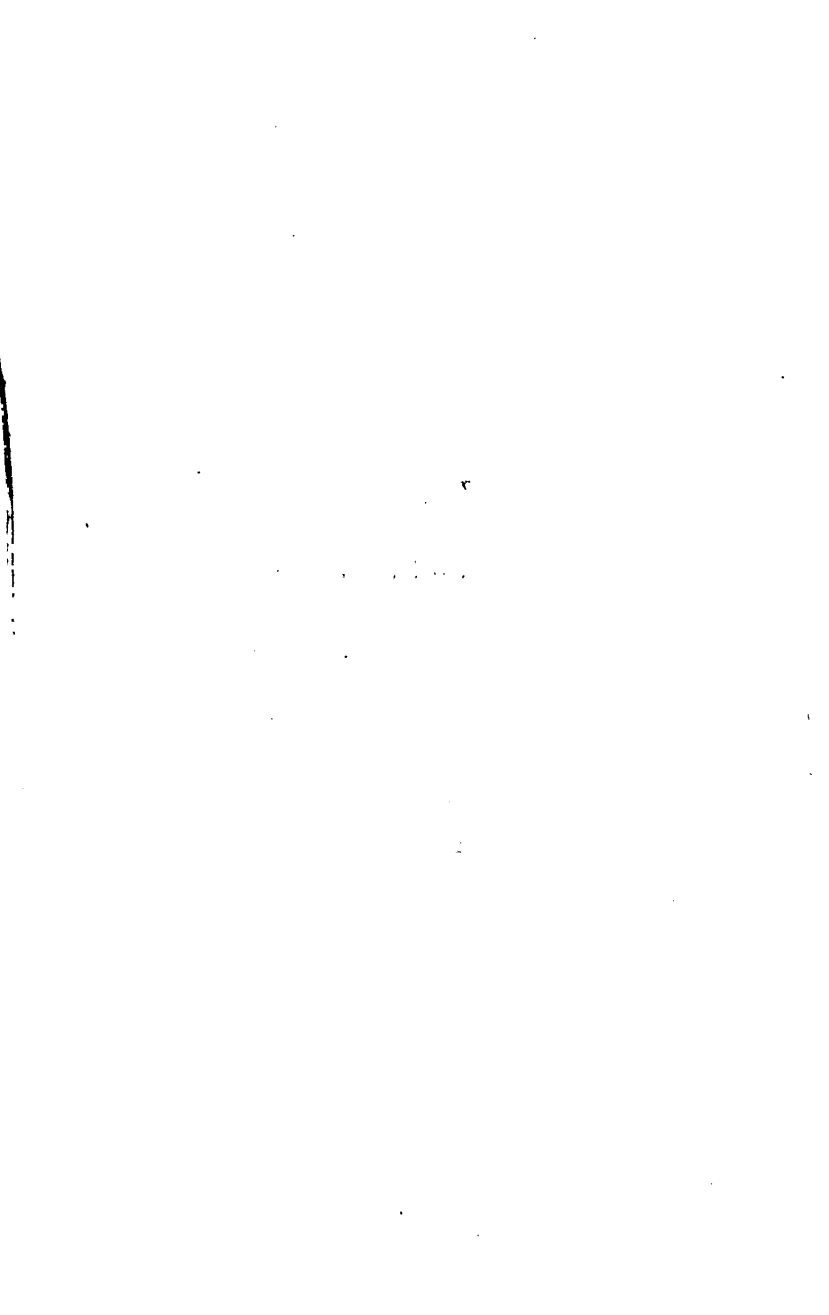
The model for such a man is Abraham Lincoln. He was in no sense a great or accomplished orator. It is true that in his early life he had considerable practice in public speaking; but as compared with almost any other orator — Edward Everett, for example — he was quite untrained. And yet by the mere power of simplicity he was able to deliver the greatest short speech in the history of oratory.

The secret of his success was simply this: he realized that power lay in doing what the occasion required *and nothing more*. He could stop when he had said what he had to say. He spoke simply and naturally the words that were impor-

tant, that were worth saying, and never talked for the mere sake of talking.

Moreover, he carefully prepared himself for the little he had to say. There are not many of us but can prepare a few simple and fitting words, if we will take the trouble to do so. When the proper time comes we may deliver them. When they are delivered we should stop. Then we are perfect masters of the situation, and none can surpass us. Failure almost invariably comes from trying to do that for which one is not properly prepared in advance, or else from trying to do more than one is prepared for.

I
DEMOSTHENES.



A Selection from the World's Great Orations

DEMOSTHENES

THE height of literary ambition is to write or speak words which will powerfully move the emotions and control the wills of men. The spoken word of the orator in ancient times and the printed word of the novelist in modern times have done this in the first degree; but the art of the novelist and the art of the orator — that is, the ways in which they accomplished their miracles — are far apart. Much nearer alike are the methods by which each learned the mastery of his peculiar art. In each case the highest successes have been attained by conscious and persistent effort.

There is a class of critics that ridicules art and lauds genius and inspiration. They sneer at the advocates of conscious art by asking if they would set up a factory that would turn any one into a novelist or an orator. They wrap genius and inspiration in a cloud of divinity, setting those who possess these natural gifts on one side, and all the rest of mankind on the other.

Those who talk about "a factory for novelists and orators" wholly misunderstand the meaning and aim of "conscious art." It makes no pretension to supplying the place of heavenly gifts; in no way does it belittle or discount such gifts. It merely declares that "heavenly gifts" are the talents intrusted to us, and our reward will be in proportion to the way in which we train, develop, and employ those talents. Many a genius has failed to realize the fame he so confidently counted on, simply because he depended too entirely on that genius, neglecting art and proving himself conceited and slothful.

By universal consent, Demosthenes is received as the world's greatest orator. He is also the first great orator whose reputation survives in full force to modern times, and he is the most striking example in the entire history of oratory of what art can accomplish over natural defects. Demosthenes was endowed with the first great essential of success in oratory, namely, earnestness of purpose and self-devotion; and the other essentials he had to learn.

He came of a good family. His father was a rich man, though by no means among the very richest. The son was well educated as an Athenian citizen — which means that he had the best education that the world then afforded. But the father died when Demosthenes was still young, and his guardians squandered his estate. When he came of age he received but a fraction of what

his father had left. He tried to recover his losses by suing his guardians in court. At Athens each man made his own defence, often being supplied with a speech and advice by an "orator" or lawyer. To win his case Demosthenes had to speak, and he found that he was not prepared to do so.

First of all, he stammered. His voice was weak and uncontrolled. His figure was thin and crooked. He lacked sprightliness and wit. He had taken some interest in public affairs, but as yet he knew very little of the needs or desires of the people, or what would appeal to an audience. Few men with force of character have had smaller natural gifts or personal advantages.

He was determined to get justice from his guardians, and proceeded to fit himself to plead his case in court. His first efforts brought only ridicule. It required several years to accomplish his purpose.

To overcome his defect of speech, it is said that he practised speaking with pebbles in his mouth. He got strength of voice by declaiming on the seashore amid the roar of the waves, and strengthened his lungs by reciting as he ran up-hill. To attain style and knowledge of events he is said to have copied the history of Thucydides eight times. For several years he was a patient and assiduous pupil of such masters of rhetoric as Isæus and Isocrates. Often, it is said, he confined himself to his cell and shaved one side of his

head so that he might not be tempted to interrupt his studies for two or three months at a time. He failed repeatedly, and his lack of success, coupled with his evident effort, excited the pity of men who saw something of his real ability in his crude efforts. Once he was found by an old citizen wandering disconsolately in the Piræus after one of his failures. "You have a way of speaking which reminds me of Pericles," said this friend, "but you lose yourself through mere timidity and cowardice." At another time he complained to his friend, the actor Satyrus, that he met with no favour from the public, though he was the most hard-working of all the orators. Thereupon the actor asked him to declaim a speech from one of the dramatists, which Satyrus repeated in such a manner that it appeared to be quite a different passage. By such hints and suggestions, coupled with persistent hard work, the eager student learned at last how to win success.

Here we have all the essential points in the making of an orator: voice-culture, the cultivation of self-confidence and a masterful manner, the development of a rhetorical style by copying and imitating the best masters of style, and finally attainment of the art of throwing expression into the voice.

The oration "On the Crown" was the last great speech which Demosthenes delivered.¹ It is in substance a review of his entire public life,

¹ It was also the last great oration delivered at Athens.

and a detailed defence of his career from beginning to end.

To understand this oration we must briefly review the Greek history of the fourth century before Christ. Athens had been the chief among the small states of which Greece was composed. The long Peloponnesian war, however, had given Sparta the control, and Athens was forced to take a subordinate though still important place. At Potidæa Sparta was defeated by Thebes, and Theban supremacy was established. The Athenians hated and despised the Thebans, and bore Theban rule most restively, though Athens herself remained practically independent.

In the mean time Macedon, under Philip, began to be a power in Grecian affairs. At first it was a small barbarian state, and was viewed with the utmost contempt by all Hellas. But Philip played his part cleverly amid the dissensions of the Greeks, fostered local jealousies, corrupted where he could, and slowly grew in power, taking advantage of every turn of affairs.

When Demosthenes appeared on the scene as a political orator, Philip was already a menace, and Demosthenes pointed out the inevitable result of not checking Philip then, while he was still weak. But the Athenian people were degenerate. War was left to hired generals, who employed mercenary soldiers. The only hope lay in bringing back some of the old-time patriotism and energy and courage of heart. The life effort of

Demosthenes was to restore the ancient spirit, — a gigantic task, which even he could not accomplish.

By one diplomatic move after another, Philip increased his power in Greece, until he became a member of the sacred Amphictyonic Council, and was even given precedence over the Athenians in addressing the oracle. The struggle now lay between two parties in Greece itself, rather than between Greece and a barbarian outsider.

At last Philip came with his army and seized Elatea. Athens was in consternation and did not know what to do. Demosthenes advised making an attempt to win the confidence of Thebes, ancient rival though she was, and bitterly hated in the past, in the hope that together they might defeat Philip in battle. This he succeeded in doing; but the battle of Chæronea which followed resulted in a disastrous defeat for the Greeks.

When Athens heard the news, she was in consternation, for she expected to be attacked at once, and went feverishly to work to repair her walls. Demosthenes as conservator of the walls was particularly active in this work, and spent a considerable sum of his own money. However, Philip was unexpectedly lenient, and while he took most of the foreign possessions of Athens, he left Attica itself intact.

In spite of the disaster which had followed the adoption of the plan proposed by Demosthenes, the Athenians continued to trust and respect him,

and even chose him to pronounce the funeral oration over those who fell on the battlefield of Chæronea. Ctesiphon proposed to express the public gratitude by honouring him with a crown, which should be proclaimed at the production of the new tragedies in the Dionysian theatre. The Macedonian party was now strong at Athens, however, and the orator Æschines, the life-long rival and personal enemy of Demosthenes, was at its head. The decree had two legal defects; and Æschines proposed to take advantage of these to secure a technical condemnation of Demosthenes. He therefore indicted Ctesiphon for moving an illegal decree. For some reason or other, however, the case was not brought to trial for six or seven years.

In the mean time Philip had died, and Alexander had succeeded him. On the death of Philip, Thebes revolted, and was punished by complete destruction. The Athenian orators, with Demosthenes at their head, were demanded for punishment; but the Athenian people refused to surrender them, and the demand was reluctantly withdrawn. Alexander soon started out on his expedition into Persia, and Demosthenes among others freely prophesied that he would never come back alive. The Spartans revolted against Alexander's general, Antipater, but were completely defeated. This victory of Macedon inspired new terror in the hearts of the Athenians, and Æschines doubtless thought that as Demos-

thenes was the acknowledged leader of the anti-Macedonian party, this was a favourable time to revive the indictment against Ctesiphon. It was therefore brought to trial, and Æschines poured out a torrent of personal invective against Demosthenes. But clearly he depended on the legal points of the case to secure his verdict.

Demosthenes in his reply skilfully threw consideration of the legal points into the middle of his speech, passing lightly over them, and devoting his chief attention to his own career and a defence of the public policy which Athens herself had adopted and must repudiate if she repudiated him. Artfully appealing to the sympathies of the jurors, and identifying his cause with their own, he accomplished the immensely difficult task of compelling an endorsement of his policy as the best that could have been proposed, even though it had resulted in disastrous defeat. Moreover, he must have felt that the real cause of defeat had been the degeneracy of the Athenians themselves. A less skilful orator would doubtless have poured out a torrent of invective against a pusillanimous and evil-hearted age, and have retired into exile embittered and hopeless. Not so Demosthenes. He chose to remain one in heart with the people to whom and for whom he spoke; and the Athenians felt that he was defending them while he spoke in his own behalf.

The oration "On the Crown" is so great because it is so completely an artful appeal to the

hearts and characters of the men addressed. Demosthenes had learned his audience, and he played upon it as a great musician does on his instrument. He knew that closely logical reasoning and a narrow discussion of the points at issue were of far less importance than the subtle, persistent, insistent, and tactful play upon the emotions, aspirations, and convictions of the audience. There is nothing cunning about this, because Demosthenes was really honest. A dishonest man would have used the same arts cunningly, and have tricked the audience into seeing matters as he saw them. In the case of the oration "On the Crown" the only person who appeared to feel tricked after it was all over was the rival orator Æschines, who, because he received less than one-fifth of the votes, was forced to go into exile. In his exile he kept a school, and it is said that on one occasion he recited to his pupils a portion of the great speech that had driven him out of Athens. The audience was entranced. Æschines, noticing this fascination, exclaimed bitterly, "If you had heard the *monster* himself!"

THE ORATION ON THE CROWN

[TRANSLATED BY THE EDITOR.¹]

FIRST of all, fellow-citizens, I pray that God may inspire in your hearts on this occasion the same impartial good-will toward me that I

¹ This translation is based on the scholarly version of Kennedy.

have always felt for Athens and for every one of you.

In his name, in the name of your religion and your honour, I ask that you will not let my opponent decide the way in which I shall be heard — I am sure you will not be so cruel! — but remember the laws and your oath, which, among the many obligations imposed upon you, require that you hear both sides alike. Not only must you not condemn beforehand, not only must you listen with impartial ear to accuser and accused, but to each you must allow perfect freedom in the conduct of his case.

Æschines has many advantages over me in this trial, fellow-citizens, and two especially. First of all, our stake is not the same. It is a far more serious matter for me to lose your esteem than for my adversary not to succeed in making out his case. For me — but I will not allow myself to begin by making an unlucky forecast. For him, however, it is merely a game.

My second disadvantage is the natural disposition of all mankind to listen with pleasure to invective and accusation, but to be irritated and restless when a man is forced to sing his own praises. To Æschines is assigned the part that pleases; to me is left the part that I may honestly say is offensive to all the world. And if, to avoid giving offence in this way, I make no mention of what I have done, I shall be without a defence against his charges, without proof of my claim to honour. In order to give a fair account of my public measures, I must speak often of myself. I shall try to do it with all modesty. Since I am driven to it, it should be charged to my opponent, who has made it necessary.

I am sure, men of the jury, that you will agree with me that I am as much a party to this proceeding as Ctesiphon, for I have quite as much at stake. It is a hardship to lose anything, especially at the hands of an enemy; but to lose your good-will and affection is the greatest misfortune of all, as to gain them is the prize of ambition.

Since this is true, I beg of you every one, hear my defence in that impartial manner required by the law, — a requirement which its author Solon, who certainly had the interests of the people at heart, believed should be given validity not only by being enacted and recorded in the statutes, but by being included in the oath of the jurors; not because he distrusted you, it seems to me, but because the defendant cannot meet the charges and insinuations powerfully impressed by the prosecutor through his advantage of being the first to speak, unless each one of you, the jurors, mindful of the duty resting on you, shall lend an equal and impartial ear to both sides alike before the case is really judged.

As circumstances seem to require that I this day render you an account of my private life and public acts, I first of all invoke God's aid; before you all I pray to him that in this trial I may be favoured with a return of that good-will which I have always cherished for Athens and for every one of you; and also that he may guide you to a decision in the case that shall accord with your common honour and with the good conscience of each of you individually.

Had Æschines confined himself strictly to the legal aspects of the case, I should proceed at once to a justification of the decree that I be crowned. But

he has wasted a good many words on collateral matters, chiefly in casting aspersions on me; and under the circumstances I think it both reasonable and necessary, fellow-citizens, to touch briefly on some of these points, that none of you may be led by extraneous arguments to shut your ears to my defence on the indictment itself.

To all his scandalous abuse of my private life I have one plain and simple answer: I have always lived among you, and if you know me to be such a creature as he has pictured, refuse to hear me now, however transcendent my statesmanship! Rise up this instant and condemn me! But if you know that my character and my family are in a class quite above those of my adversary, if (I trust you will permit me to say so without offence) I and mine are not inferior to any respectable household among you, then give his statements the credit which they deserve (in truth they have not the slightest foundation), and accord to me in this trial the same good-will with which you have favoured me on so many occasions in the past.

It was very naive of you, Æschines, in your meanness of spirit, to suppose that I should be diverted from the discussion of measures and policies to take note of your scandal. I will do no such thing. I am not so mad. Your lies and accusations concerning my political life are another matter, and I will proceed at once to examine them, and later, if the jury wishes to hear me, I may have a word to say on the subject of your personal ribaldry.

I am accused of crimes many and grievous, and to some of them the law attaches heavy, most heavy, penalties. The plan of the prosecutor is to attack

me in an underhand manner, by insinuation, abuse, insult, and aspersion of every kind, and in such a way that the State can inflict no adequate punishment if the charges and accusations be proved to be true. He would persuade you that I ought not to be heard in my own defence, since the indictment is nominally against Ctesiphon and not against me. When a man is accused he has a right to be heard, and this attempt at malicious aspersion under cover, by Heaven, is neither honourable, nor fair, nor legal. If he saw me committing such horrible crimes against the State as he so tragically declares I am guilty of, he surely ought to have enforced the penalties of the law against me at the time. If he knew I was guilty of an impeachable offence, he should have impeached me and brought me to trial; if I was moving illegal decrees, he should have had me indicted for doing so. He is prosecuting Ctesiphon on my account, but surely he would have indicted me myself had he thought he could convict me. The fact is, had he seen me doing anything to your prejudice, whether included in his catalogue of slanders or not, he might have found a law to fit the case and a means of trying me and bringing me to judgment, and forcing me to endure severe penalties. These things he might have done. There was no other consistent course for him to pursue. But instead of adopting the honourable and straightforward method, he refrained from offering any proofs of my guilt at the time, and now, after a long interval, he comes forward with a mass of abuse, aspersion, and scandal. And besides, he arraigns me, but prosecutes another. His hatred of me he makes his controlling motive in this trial; yet re-

fusing to meet me openly, he frankly attempts to deprive me of my privilege on the ground that I am not named in the indictment. Now, fellow-citizens, besides all the other arguments that may be urged in Ctesiphon's behalf, this much I am sure you will grant; that it is only fair that Æschines and I try our own quarrel by ourselves, not at the expense of a third party. Surely nothing could be more unjust than that.

It would not be unreasonable to assume from what I have already said that all his charges are alike unjust and untrue. But I mean to examine them one by one, giving especial attention to what he says concerning the peace and the embassy, in which he accuses me of precisely the things of which he himself and Philocrates were guilty. That you may consider each act of mine in reference to the circumstances which led up to it, let me recall the condition of affairs at that time.

When the Phocian war broke out (though I had nothing to do with that, as I had not yet entered public life), your situation was substantially this: You sympathized with the Phocians, though you knew they were not in the right; and you would have been glad to see the Thebans suffer anything, for you had good reason to dislike them, since they had not borne their good fortune at Leuctra with moderation. The entire Peloponnesus was split up into factions. Those who hated the Spartans were not powerful enough to destroy them, and those who had formerly ruled by Spartan influence were now powerless among the States of Greece. With them, as with the Greeks everywhere, conditions were unsettled and confusion prevailed.

Philip saw this, — it was not hard to perceive, — and scattered his bribes among the traitors in all the states, stirring up strife on every hand. Thus by the errors and follies of others he grew strong, and prepared the way for the ruin he was to accomplish. But when every one saw that the unfortunate Thebans, once overbearing but now exhausted by a prolonged war, must turn to you for aid, Philip was shrewd enough to wish to prevent any union, and offered peace to you and succour to them.

By what aid, let me ask you, was he then able to draw you voluntarily into his snare? It was by the cowardice (shall I call it?), or the ignorance, or both, of the other Greeks. For while you were waging a long and continuous war, and that, too, for their benefit as well as for your own, as events have proved, they gave you neither men nor money nor support of any kind. And so, in your natural indignation with them, you lent a willing ear to Philip.

That was the way the peace came about, — not through me, as Æschines falsely asserts. Indeed I will name the men through whose criminal and corrupt practices the treaty was ratified and the way was paved which has led to our present condition. I discuss the matter only for the sake of truth; for I was in no way connected with the proceedings, and there was no chance for blame to rest on me.

The first to suggest peace was Aristodemus, the actor. The seconder of the motion and fellow-hireling with this gentleman before you was Philocrates the Agnusian, — your associate, Æschines,

not mine, though you burst with lying! They were supported — from what motive I do not pretend to say; I pass that by for the moment — by Eubulus and Cephisophon. I had absolutely no connection with the affair whatever.

In the face of these facts, which I have stated exactly as they were, he has had the impudence to assert that I, besides being the author of the peace, had prevented the country from entering a general council of the Greeks upon it.

But you [turning to Æschines] — I hardly know by what name to call you! — when you saw me robbing the State of such an advantage as you describe, of so important a connection, did you once express your indignation? Did you proclaim and publish the charge you now prefer? If I had accepted the bribes of Philip to prevent the union of the Greeks, assuredly you should not have kept silent, but have cried out in protest and told the people all about it. You did nothing of the kind. Your voice was never heard to such a purpose. And no wonder, for, as a matter of fact, at that time no embassy was sent to any of the Greeks — they had all been tested long before, and their attitude was known perfectly well. There is not a word of truth in this whole story.

Besides, it is his country that he traduces by his falsehoods. If you were calling the Greeks to arms and at the same time sending your ambassadors to Philip to treat for peace, you were playing the part of a tricky Eurybatus, not of men of honour supporting the dignity of a commonwealth. But it is false, false in every particular. For why should you have been sending to the other Greeks at that par-

ticular time? For peace? They all had it. For war? You yourselves were considering peace.

It must be quite clear that I could have had nothing to do either with originating or advising the treaty. And all this man's other calumnies are of a piece with this.

And now let us follow the course of events after the peace was made, and see what line of conduct each of us followed. You will have no trouble in deciding who it was that coöperated with Philip in everything, and who had at heart your interests and the interests of the commonwealth.

I made a motion in the council that our ambassadors should sail immediately to find Philip wherever he might be, and get his ratification of the treaty. The motion was carried, but they failed to act in accordance with it. And what was the result? I will tell you. It was to Philip's interest that the interval before he was called on to accept the terms of the treaty should be as long as possible; yours, that it should be as short as possible. Why? Because you suspended your preparations for war, not only from the day you ratified the treaty, but from the day you began to hope for peace. And that was just what Philip wanted, for he rightly judged that whatever possessions he might seize before he signed the treaty he would continue to hold, as no one would be likely to break the peace on that account. Foreseeing precisely what would happen, I moved to send the ambassadors immediately to find Philip and get his acceptance of the treaty at the earliest possible moment, so that your allies the Thracians might continue to hold those places which Æschines has just been speaking of with

contempt (Serrium, Myrtium, and Ergisce), and that Philip might be forestalled in securing these posts of vantage and adding to his resources of men and money for future operations.

But Æschines does not mention this decree of mine, but reproaches me for receiving the ambassadors of Philip and introducing them. Why, what should I have done? Move to shut out the men who had come to treat with you? Or be rude enough to order the manager not to assign them places of honour at the theatre? They could have bought seats for two obols if the resolution had not been passed. Was it my duty to be mean and petty, and at the same time to sell out the real interests of the State as these men did? Surely not. Let us hear the decree which the prosecutor, who knew its contents only too well, has chosen to pass over. Read.

[The decree is read.]

In spite of the fact that it was in every way to the advantage of Athens to carry out the terms of this resolution, our worthy ambassadors paid so little attention to it that they waited three whole months in Macedonia, until Philip returned from Thrace after completing the conquest of the country, though in ten days — yes, in three or four — they might have reached the Hellespont and saved the fortresses by getting his ratification of the treaty before he reduced them: for he would not have touched them in our presence, or we should have refused to accept the treaty; so he would have lost the peace, when he had been planning to get both the peace and the fortresses.

Such was the first trick that Philip played us;

such the first corrupt act of these miscreants in the embassy: for which I vow to them eternal war and hatred. But note the still greater villany of which they were guilty immediately after. When Philip had ratified the treaty, after he had secured Thrace through the fact that these men had disobeyed the order of the council, he bribes them again to stay in Macedonia while he prepares his expedition against the Phocians. He was afraid that if they reported to you what he was preparing to do, you would have sailed around to Thermopylæ with your fleet as you did before, and have blocked up the strait. His wish was that at the moment when you heard of his expedition he should have passed Thermopylæ and you be left powerless. But so anxious was he lest, notwithstanding all these advantages, you might vote succour before he had actually destroyed the Phocians and so his enterprise be defeated, that he hires this despicable fellow, no longer in company with the other ambassadors, but in a class by himself, to make that report to you which caused us the loss of everything.

I beg of you, fellow-citizens, from first to last to remember that I should not go out of my way to mention matters of this kind had not Æschines so far departed from the strict subject of the indictment as to hurl every kind of accusation and calumny against me; and to each charge I must briefly reply.

Let me tell you, then, what it was Æschines said which caused the loss of everything. He told you that you should not be alarmed by the fact that Philip had passed Thermopylæ — that all would be as you desired if you only kept quiet. In two or

three days you would hear that he was really the friend of those against whom he had come as an enemy, and an enemy of those whose friend he now appeared to be. It was not words that cemented attachments (such was his solemn phrase), but identity of interests; and it was to the interest of all alike, Philip, the Phocians, and you, to be relieved of the insolence of the Thebans. The popular feeling against the Thebans caused some to listen sympathetically to what he said. But what was the upshot of it? Almost immediately the Phocians were destroyed and their cities demolished. You, who had been induced to keep quiet, were bringing in your goods from the country for fear Philip would seize them too, while Æschines received his gold. And still more, while you got only the enmity of the Thebans and Thessalians for the part you had taken, Philip won their gratitude for what he had done.

Such were the tricks by which Philip set the States of Greece against one another. Delighted with the success of his machinations, he came with his army and seized Elatea, confident that, happen what might, you and the Thebans could never unite. You will remember what excitement there was when the news reached Athens. But let me recall the circumstances.

It was evening. A messenger came to the presidents with the news that Elatea was taken. Without waiting to finish their supper they hurried to drive the people from the market-stalls and set fire to the booths as a signal of alarm to the country beyond the walls. The generals were sent for

and the trumpeter was called. In the city all was commotion.

At break of day the presidents summoned the council to their hall; you hurried to the assembly, and before any resolution could be drawn up to submit to you, the people were in their seats on the hill of the Pnyx. When the council had gathered and the presidents had reported the intelligence they had heard and the courier had made his statement, the crier demanded, "Who wishes to speak?" — and no one came forward. Repeatedly was that question put — yet no man rose, though all the generals were there, and all the orators, and our country as with a single voice demanded some one to speak and save her — for when the crier raises his voice according to law, we must think of it as the common voice of the country. If that call to come forward and speak had been made to those who wished the salvation of Athens, every one of you, and every other Athenian would have risen and mounted the platform, for I am sure there was not one of you but desired her salvation. If the wealthy had been called upon, the three hundred would have responded; if those who were both patriotic and rich, the men who afterwards gave such ample donations would certainly have offered to speak, for their patriotism and their generosity were proved. But that day called not only for a man patriotic and generous, but for one who understood the situation and could rightly judge the object and purpose of Philip. A man who was unfamiliar with the facts in the case, or who had not studied the progress of events, however patriotic or generous he might be, would have been unable to sug-

gest necessary measures, or to offer you the advice you needed.

Well, I was the man who responded that day. I came forward and addressed you. I beg you to listen closely to what I said, for two reasons, — that you may see that of all your orators and statesmen I alone did not desert the patriot's post¹ in that hour of danger, but amid the panic was found suggesting and planning what must be done; and also, because in a brief length of time you may learn a lesson that will stand you in good stead in directing your policy for the future.

I told you that those who were in such a state of panic, because they thought Philip already had the Thebans on his side, quite misjudged the facts in the case; for in my opinion had that been so, we should not have heard of Philip at Elatea, but upon our own frontiers. He had come, I was sure, to establish himself in Thebes.

"I will tell you," said I, "what the truth of the matter is. All the Thebans he can either bribe or deceive he already has at his command. But those who have resisted him from the first will still oppose him, and he will find it difficult to prevail upon them. What, then, is his object in seizing Elatea? He plans, by displaying a force in the neighbourhood and bringing up his troops, to encourage and strengthen his friends, and to intimidate those who oppose him, till they either yield through fear or are forced over to his side.

"Now," said I, "if on the present occasion we decide to take a course which shall remind the

¹ Demosthenes was accused of having run away (with the rest) at the battle of Elatea.

Thebans that we remember their acts of unkindness and look on them with distrust in the light of enemies, we shall, in the first place, be doing precisely what Philip most desires; and not only that, but I fear that the Thebans who are now hostile to Philip will embrace his friendship, and all with one consent will unite in marching upon Attica.

“But if you will listen to me, and be pleased to examine my proposal before you criticise it, I believe my plan will meet your approval, and I shall assist you to dispel the danger that hangs over Athens.

“What, then, do I advise? First, banish your fears, and think all for the moment of the Thebans, for they are nearer harm than we are, their peril is more pressing. And then, say I, march to Eleusis with all your fighting men and cavalry, and show yourselves to the world in arms, that your partisans in Thebes may have encouragement to speak up freely for the good cause, knowing that, as the party of those who would sell their country to Philip has an army at Elatea, the party of freedom may count on your assistance if it be assailed.

“Furthermore, I recommend that you select ten ambassadors, and that arrangements be made for sending them to Thebes. And what shall they do when they get there? Listen well, I pray you: Ask nothing of the Thebans (it would be ignoble to do so at this juncture), but offer to assist them if they require it, on the plea that they are in the gravest danger, and that we foresee the inevitable progress of events. If they accept this offer and listen to our counsel, we shall have accomplished our desire, and shall get the credit of having played a part worthy

of a commonwealth. If the plan do not succeed, they will have only themselves to blame for any error they now commit, and we shall have done nothing discreditable or unworthy."

Thus I spoke, and left the platform. My plan was approved by all. Not a word was said against it. Not only did I discuss the subject, but I moved to put the plan into operation; not only did I make the motion, but I undertook the embassy; not only did I undertake the embassy, but I prevailed upon the Thebans. From beginning to end I worked for the accomplishment of the project. I surrendered myself to your service, and showed myself ready to meet the dangers which encompassed Athens.

Produce the decree.

Now, Æschines, how shall I describe your actions on that day beside mine? Shall I call myself Batalus, your nickname of reproach, and you, not precisely a hero of the common sort, but one of those stage fellows — Cresphontes or Creon, or CEnomaus whom you murdered atrociously once at Colyttus? I submit, on that occasion I, the Batalus of Pæania, better served my country than you, the CEnomaus of Cothocidæ. You were of no earthly use; I did what a good citizen might. Read the decree.

[The decree is read.]

That was the way in which our negotiations with Thebes began. Until then the affairs of the two countries had been managed by these men so as to stir up strife, discord, and jealousy. This decree caused the peril that then threatened us to pass away like a cloud. It was the duty of a good citizen, if he had any better plan, to present it at the time, not to find fault now. A statesman and a demagogue,

while they differ in many other respects, are most unlike in this: One declares himself before the event, and makes himself responsible to his party, to fortune, to the times, to all the world; the other is silent when he ought to speak, but if anything goes wrong he criticises. As I said before, the time for a man who loved his country, who was an honest counsellor, was then. But I will go so far as to say this: if any one can even now suggest a better plan, if any other was possible or practicable, I will confess that I was wrong; for if any measure can be discovered now which (executed then) would have saved us from disaster, I will admit that it was my fault that I overlooked it. But if there was none thought of then, if there is none that can be suggested to-day, what else could a statesman do? Was he not to choose the best within his reach and knowledge? That was what I did, Æschines, when the crier demanded, "Who wishes to speak?" — not, "Who wishes to complain about the past, or to guarantee the future?" While you sat mute in the assembly, I came forward and spoke. However, as you omitted to do it then, tell us now. Say what plan I should have devised; what favourable opportunity was lost to the country by my neglect; what alliance could have been formed, what scheme worked out, to which I might have directed the people! But no! The past is past. It is useless to speculate on what might have been. The present, the future, must occupy the worthy counsellor. At the time there were dangers threatening, dangers at our very gates. Examine my policy and conduct at the crisis: don't abuse me for the outcome. The end of all things rests with God: it is by his

character and his policy that a statesman must be judged. Do not, then, hold me a criminal because Fate willed that Philip conquer in battle: the responsibility for that rests not on me but on Fate. Prove that I failed to adopt all measures that human calculation might have suggested — that I did not honestly and diligently execute them with exertions even beyond my strength — or that my enterprises were not honourable and worthy of the nation, and demanded by circumstances: show me this, and accuse me as you like. But if the storm that overwhelmed us was too much, not alone for us but for the whole of Greece, what is the fair view of it? It is as if a merchant, after taking every precaution, and equipping his vessel with everything he thought would secure her safety, when afterwards he met with a storm and his tackle was strained or broken to pieces, should be held responsible for the shipwreck! “Well, but I was not the pilot,” he might say — just as I was not the general. “Fortune was not in my hands, — I was in hers.”

Just consider the matter a moment: If with the Thebans on our side we were destined to fare so poorly in the contest, what could have been expected had we never had them for allies, but they had taken the side of Philip against us as he tried so hard to make them? And if when the battle was fought three days' march from Attica such alarm and panic possessed the city, what must have been the condition had the disaster occurred within the bounds of our own territory? As it is, — can you not see? — we had a chance to stop, collect ourselves, and breathe. Mightily did one, two, three days help to our preservation. Had it been otherwise — but

it is wrong to refer to trials which have been spared us by the favour of some deity, and by the protection of that very alliance which you, sir, assail.

I have spoken somewhat at length to explain matters fully to you, men of the jury, and to the outer circle of my auditors; but a short and plain argument would have sufficed to dispose of this poor fellow.

If to you alone the future was revealed, Æschines, when the State was deliberating on these matters, you should have forewarned us then. If you failed to foresee it, you are responsible for the same ignorance as the rest of us. Why should you accuse me any more than I you? I was the better citizen on this particular occasion, in that I gave myself up to what seemed for the general good, shrinking from no personal danger, and never thinking of any; while you not only did not suggest any better measures (else mine would not have been accepted), but you did nothing to help in the execution of mine. And after the event you do precisely what might be expected of the basest man and the worst enemy of the nation: simultaneously Aristratus in Naxos and Aristolaus in Thasos, the deadly foes of our republic, are bringing the friends of Athens to trial, and at Athens Æschines is accusing Demosthenes. It would seem to me that the man who waits to found his reputation on the misfortunes of the Greeks deserves rather to lose his own head than to have the opportunity to prosecute another; nor is it possible that he who profits by the untoward conditions that serve the enemies of the nation can be the well-wisher of his country. You show what sort of man you are by your life and conduct, by your political

action, and not less by your political inaction. Is anything going on that may benefit the people? Æschines is mute. Has anything gone amiss? To the front comes Æschines, — just as old fractures and sprains are developed when the body is attacked by disease.

But since he insists so strongly on the outcome of it all, I will even assert what may appear a paradox; and I beg of you not to wonder at its boldness. Suppose the results had been foreknown to all, that all had foreseen them, and that you, Æschines, had proclaimed them with clamour and outcry, — you that never opened your mouth, — not even then could the commonwealth have done differently, with any regard for glory, for the deeds of the past, or for the future. As it is, she seems to have failed in what she tried to do — a fate to which all mankind are liable if God so wills it: but in the other case, having proclaimed her leadership and then abandoned it, she would have incurred the charge of betraying all to Philip. Why, had we abandoned without a struggle all that our ancestors braved every danger to win, who would not have spit upon you? But let me not speak of such a thing in connection with the nation or myself! With what self-respect, I pray, could we have faced strangers who came to Athens, if the result had been what it is and Philip had been made leader and ruler of all, but other people with no help from us had made the struggle to prevent it; especially when in times past our country has never chosen ignominy with security in preference to battle for honour? For what Greek or what barbarian does not know that the Thebans, or the Lacedæmonians who were the mas-

ters of Greece before them, or the Persian king would gladly, even thankfully, have given our commonwealth the right to take and hold what she pleased, provided that she would accept foreign law and let another power command in Greece? But that is not the way, it would seem, that the Athenians of former times would act: the national heart could not endure the thought of it. And never at any time could the nation be persuaded to attach herself to the powerful and tyrannous. Through every age she has persevered in her struggle for primacy and honour and glory. And so noble does this seem to you, so congenial to the principles which guide you, that among your ancestors you honour most those who were guided by this spirit. And rightly so; for who does not admire the heroism of those men who resolutely embarked in their galleys and quitted country and home, rather than accept the rule of a foreigner, — choosing as their general Themistocles, who advised them to do it, and stoning to death Cyrsilus who would have had them yield to the terms imposed? — yes, and your wives stoned his wife! Ay, the Athenians of that day looked not for an orator or a general who might help them to ease and servitude: they scorned to live if they might not live with freedom. Each felt that he was born to be the child not only of his father and mother, but of his country. And what is the difference? He who thinks of himself only as the offspring of his parents waits for his natural and appointed end; but he who feels within himself a filial love of country will sooner perish than behold her in slavery, and will look on the indignities and insults which fall to the lot of

a commonwealth enslaved, as more terrible than death.

Do not for a moment suppose that I am attempting to instruct you in sentiments worthy of your ancestors, for if I were, there is not a man among you who would not rebuke me, and justly. What I say is that these are your principles; I point out that before my time such was the spirit of the commonwealth; and at the same time in the execution of the particular measures I claim a share for myself. The prosecutor, in arraiguing the whole proceedings, and trying to embitter you against me as the cause of our alarms and misfortunes, in his eagerness to deprive me of a momentary honour, robs you of a glory that should endure forever. For if you deny the wisdom of my policy and convict the defendant, you place yourselves in the light of having done wrong rather than of suffering the cruelty of fortune. But never, never can you have done wrong, Athenians, in battling for the freedom and safety of all! I swear it by your forefathers — by those who faced danger at Marathon, by those who fought at Plataea, by those who died in the sea fight at Salamis, by the victims at Artemisium, by all the other brave men who lie beneath your public monuments, all of whom alike the country buried as worthy of the same honour, Æschines, not alone the successful or the victorious! And justly! For the duty of brave men was done by all: their lot was such as God assigned to each.

You accursed clerk! to deprive me of the approbation and affection of my countrymen, you speak of trophies and battles and ancient deeds, with none of which is this trial in the least concerned. But I

—O you third-rate actor! — when I rose to counsel the State to maintain her preëminence, in what spirit was I to mount the platform? With a purpose of advising that which was unworthy of these my countrymen? — I should have deserved to perish! You know yourselves, men of Athens, that public and private causes must be tried on very different principles: the compacts of everyday life are to be judged by particular laws and circumstances; the measures of statesmen with reference to the dignity and glory of the past. And if you think it your duty to act in a way worthy of that past, you should every one consider that with your staff and your ticket the spirit of the commonwealth was delivered into your hands.

You say, Æschines, that I am nothing like the ancients! Are you like them? Is your brother, or a single one of the orators of our day? There is none. But pray, my good fellow (to call you by no worse name), try the living with the living, every man with his competitor — just as you would in any similar case, poets with poets, dancers with dancers, athletes with athletes. Because Philammon was inferior to some other champions of bygone times, he did not for that reason depart uncrowned from Olympia; but because he beat all who entered the arena against him, he was proclaimed the victor, and crowned. So I invite you to compare me with the orators of the day, with yourself, with any one you like: I yield to none. When the commonwealth was at liberty to choose for her advantage, and patriotism was a matter of emulation, I was the counsellor who was accepted, the decrees and

laws I proposed were the guide of the State. None of your party was to be seen, except when there was a chance to do Athens a mischief. After that unhappy day, when no longer advisers were demanded, but only those who were obedient to the powers of the day, ready to be hired against their country, and willing to flatter strangers, then all of you were full of employment, grand people with splendid equipages. I was powerless, I confess, though I still loved my country more than you.

Two things, men of Athens, are characteristic of a right-minded citizen (if so I may speak of myself and give the least offence) : When he is in authority, his constant aim should be to preserve the dignity and preëminence of the commonwealth; and at all times and under all circumstances his spirit should be loyal. This depends upon the heart within him; success and conquest upon other things. Such a spirit, you will find, I have steadily cherished. Observe: When my person was demanded — when they brought Amphictyonic suits against me — when they menaced — when they promised you great rewards to give me up — when they set these miscreants like wild beasts upon me, — never did I for a moment waver in my loyalty to you. From first to last I chose an honest and straightforward course in politics, to support the honour, the power, the glory of my fatherland, these to exalt, in these to have my being. I do not go about the town gay and light-hearted because the stranger has prospered, holding out my hand and congratulating any I think may report it yonder, and when I hear news of our own success shuddering and groaning and bowing my head, like these unholy men, who sneer at Athens as

if in so doing they did not sneer at themselves ; who look abroad, and if the stranger thrives by the distresses of Greece, are thankful for it, and say we should keep him so thriving to all time.

O God, let not such wishes ever be fulfilled ! If in thy wisdom it be possible, give these men a better and a nobler spirit ! But if their hearts are bad past all recovery, may they work out their ruin for themselves ! Destroy them from off the face of the earth ! And for the rest of us, grant a swift release from all our fears, and the enjoyment of a lasting deliverance !

II
CICERO



CICERO

WE have spoken of Cicero as the typical master of rhetorical style, rhetorical devices, and the kind of oratory which is entertaining as well as convincing, — the oratory of declamation, of “eloquent passages.” It must be said, however, that Cicero never carried declamation to an extreme, and that “perfervid oratory” is probably a modern development.

Cicero bases success in oratory on culture. Declamation or rhetorical artifice with culture is great oratory, without culture it is mere bombast. In his “*De Oratore*” Cicero says, “Wide knowledge and general culture are necessary to the orator, and without them freedom and skill in the use of words become mere volubility. We must know not only how to select words, but how to use them effectively; and indeed the orator must be familiar with the whole gamut of human emotion so that he may play upon it with certainty and freedom, for success in public speaking depends on ability to rouse or subdue the feelings of those who listen. Besides, the orator must have grace and wit, the information and learning of a well-educated man, some quickness and sharpness in meeting attack as well as in attack-

ing, and withal the refined bearing and urbanity of culture. And, too, the orator should have a good memory, to afford him an abundance of illustrations from past history and from current events. Nor should he neglect to study the principles on which society is based, and the fundamental laws of the state."

It is not easy to become such an orator as Cicero describes. On another page he points out the dangers of learning the arts of oratory without this fundamental basis of culture. Says he, "In my judgment, no man can be an orator who is not thoroughly accomplished and a complete master of all the liberal arts; for his language must be elegant and copious through knowledge, since, unless there be under the surface matter understood and felt by the speaker, oratory becomes an empty and almost puerile flow of words."

Cicero himself was one of the most cultured and broadly educated men of ancient or modern times. He was thoroughly familiar with Greek, and studied and admired Demosthenes. He had the whole literature of Greece and Rome at his fingers' tips; and from childhood mingled with the cultivated and the distinguished.

He became an advocate or attorney; and while under the Roman law he was not permitted to charge a fee for his services, he undoubtedly derived a good living from his law practice.

His reputation as an orator grew, and after

his success in the prosecution of Verres, he was recognized as standing in the very front rank. From this time he took part in politics, and was elected consul. It was at the beginning of his consulate that he delivered the famous oration against Catiline which drove that arch conspirator from Rome.

The case of Verres was a somewhat unusual one at Rome. Governors of Roman colonies or dependencies were great extortionists, and the officials at home disliked to prosecute any of them lest they in turn themselves become objects for prosecution. Verres was governor of Sicily, and Rome sympathized with the suffering Sicilians. Indeed, his case was flagrant. Cicero prepared the prosecution, writing out in advance his series of speeches. He had plenty of material, and the subject had not been previously thrashed out till it was exhausted. The first speech was delivered, and produced such an effect that Verres decided that it was wise to withdraw from Rome. He retired to Marseilles, and the rest of Cicero's speeches were never delivered. They were soon published, however, and had their effect in raising his reputation.

Like Burke and Macaulay, Cicero was not only an orator, but also a writer of essays. His speeches, therefore, not only sounded well when delivered, but read well to-day. And this is undoubtedly due to the wide foundation of culture on which he built his reputation.

Cicero was a statesman, and he was an honest man, and devoted to the interests of the State; but he had no such sterling character as that of Demosthenes, and his power of controlling men by his words is but a shadow of that displayed by Demosthenes. His greatness depends on the perfection of his art and his power of entertaining, instructing, and charming his audience,—a power that Demosthenes had only in a limited degree, and never used except on special occasions for special purposes.

“I AM A ROMAN CITIZEN”

(FROM THE ORATION AGAINST VERRES)

[TRANSLATED BY THE EDITOR.]

LET me now speak of the case of Publius Gavius, a citizen of Cosa. But where shall I find language forcible enough, from what depths of soul shall I bring indignation mighty enough, to tell that tale? My indignation assuredly will not fail me; but I must take all the more care that my pleading lack not the other requisites to meet the gravity of the subject and the intensity of my feeling. The truth is, when I first heard the story I thought it would be impossible for me to make use of it; for though I knew it to be perfectly true, I thought no one would believe it.

¹ This translation is based on the version of Rev. W. Lucas Collins, M.A.

After I have spoken for so many hours on one subject — this man Verres' atrocious cruelty; when on other branches of my subject I have exhausted the powers of such language as is alone suited to the description of his crimes; when I have made no attempt whatever to relieve your attention by variety in my charges against him, — in what fashion am I now to speak on a charge like this? But one way remains for me — one course alone is left for me to take. I will simply lay before you the facts in the case; for they are in themselves so potent that no eloquence — not of mine, for I have none, but of any man's — is needed to rouse your hatred and indignation.

This Gavius of Cosa of whom I speak was one of many Roman citizens thrown into prison under the rule of Verres. Somehow he had escaped from the Quarries, and got as far as Messana. When he saw the shores of Italy and the towers of Rhegium now so close at hand, and out of the horror and shadow of death breathed with new life, scenting once more the fresh air of liberty and the protection of Roman law, he began to talk at Messana, and to complain that he, a Roman citizen, had been put in irons — that he was going straight to Rome, where he would be ready for Verres when Verres should arrive.

The poor wretch little knew that he might as well have talked in this way to the Governor's face in his own palace as at Messana; for as I have already told you, Verres had selected Messana as the accomplice in his crimes, the receiver of his stolen goods, the friendly confidant of his wickedness. So Gavius was taken at once before a magistrate; and,

by chance, on that very same day Verres himself arrived at Messana. The case was reported to him. He was told that a certain Roman citizen, who complained of having been put into the Quarries at Syracuse, was just going on board ship, and as he was uttering threats—really too atrocious—against the Governor, they had detained him and kept him in custody, that Verres himself might decide the case as seemed to him best. Verres thanked the gentlemen, praising their good-will and zeal in his behalf. Burning with rage and filled with malice, he went down to the court. His eyes flashed; cruelty was written on every line of his face. Those present watched anxiously to see precisely what he would do. In a burst he ordered that the prisoner be dragged forth, stripped, and bound in the open forum, while the rods should be got ready. The unhappy man cried out that he was a Roman citizen—that he was registered at Cosa—that as a matter of fact he had served in a campaign with Lucius Pretius, a distinguished Roman knight now living at Panormus, from whom Verres might learn the truth of his statements.

Then this pretence of a man replies that he has discovered that Gavius has been sent into Sicily as a spy by the ringleaders of the runaway slaves—a charge of which there was neither witness nor evidence of any kind, nor even anything to excite suspicion.

He forthwith ordered that the man be brutally beaten all over his body. Yes—a Roman citizen was lashed and cut with rods in the open forum at Messana, gentlemen; and as the punishment went on, not a word, not even a groan escaped the

wretched man in his anguish amid the sound of the lashes, but the simple cry, "I am a Roman citizen!" He had supposed that such a cry would have saved him at least from anything like blows — from the indignity of personal torture. But not only did he fail in thus deprecating the insult of the lash, but when he doubled his entreaties and appealed to the name of Rome, a cross — yes, I say, a cross — was ordered for that most unfortunate and ill-fated man, who had never yet beheld such an abuse of a governor's power.

O name of liberty, sweet to our ears! O rights of citizenship, in which we glory! O laws of Porcius and Sempronius! O privilege of the tribune, long and sorely regretted, and at last restored to the people of Rome! Has it after all come to this, that a Roman citizen in a province that belongs to the people of Rome, in a town ruled by Rome, is to be bound and beaten with rods in the forum by a man who holds those rods and axes — those awful emblems of Roman sovereignty — by grace of that same Roman people? What remains to be said of the fact that fire, and red-hot plates, and other tortures were applied? Even if his agonized cries and piteous entreaties did not check you, Verres, were you not moved by the tears and groans which burst from the Roman citizens who were present and witnessed the scene? How dared you drag to the cross any man who claimed to be a citizen of Rome? —

I did not intend, gentlemen, to press this case so strongly — I did not indeed; for you saw on my former pleading how bitter with indignation and hate and dread of a common peril was the public feeling against the defendant.

[Witnesses are produced, who prove the facts of the case and the falsehood of the charge that Gavius was a spy. Cicero then goes on:]

However, Verres, let us grant that your suspicions on this point, if false, were honestly entertained. You did not know who the man was. You suspected him of being a spy. I do not ask the grounds of your suspicion. I impeach you on your own evidence. Had you yourself, Verres, been seized and led out to execution, in Persia, let us say, or in the farthest Indies, what other cry or protest could you have raised but that you were a Roman citizen? And if you, a stranger among strangers, in the hands of barbarians and those who dwell in the farthest and remotest regions of the earth, would have found protection in the name of your city, known and honoured in every nation under heaven, is it possible that the victim whom you were dragging to the cross, be he who he might, — and you did not know what he was, — when he declared he was a Roman citizen, could not obtain from you, a Roman magistrate, by the mere mention and claim of citizenship, so much as a brief respite from death?

Men of all ranks and classes, even of humble birth and station, sail the seas; and when they touch at some spot they never saw before, where they are quite unknown to those they visit and can find none to vouch for their nationality, still in the single fact of their citizenship they feel that they are safe, not only with our own governors, who are held in check by the terrors of the laws and of public opinion — not only among those who share that citizenship of Rome, and are united to them by identity of lan-

guage, of laws, and of many things besides — but wherever they go; and this is their protection. Take away this confidence, destroy this safeguard of Roman citizenship, — once establish the principle that there is no protection in the words “I am a Roman citizen,” — that governor or magistrate with impunity may sentence to what punishment he will a man who says he is a Roman citizen merely because somebody does not know it for a fact; and at once, by admitting such a defence, you close against our Roman citizens all provinces, all foreign states, despotic or independent — the whole world, in short, which till now has always been an open field for the enterprise of Romans beyond all others.

[He turns to Verres.]

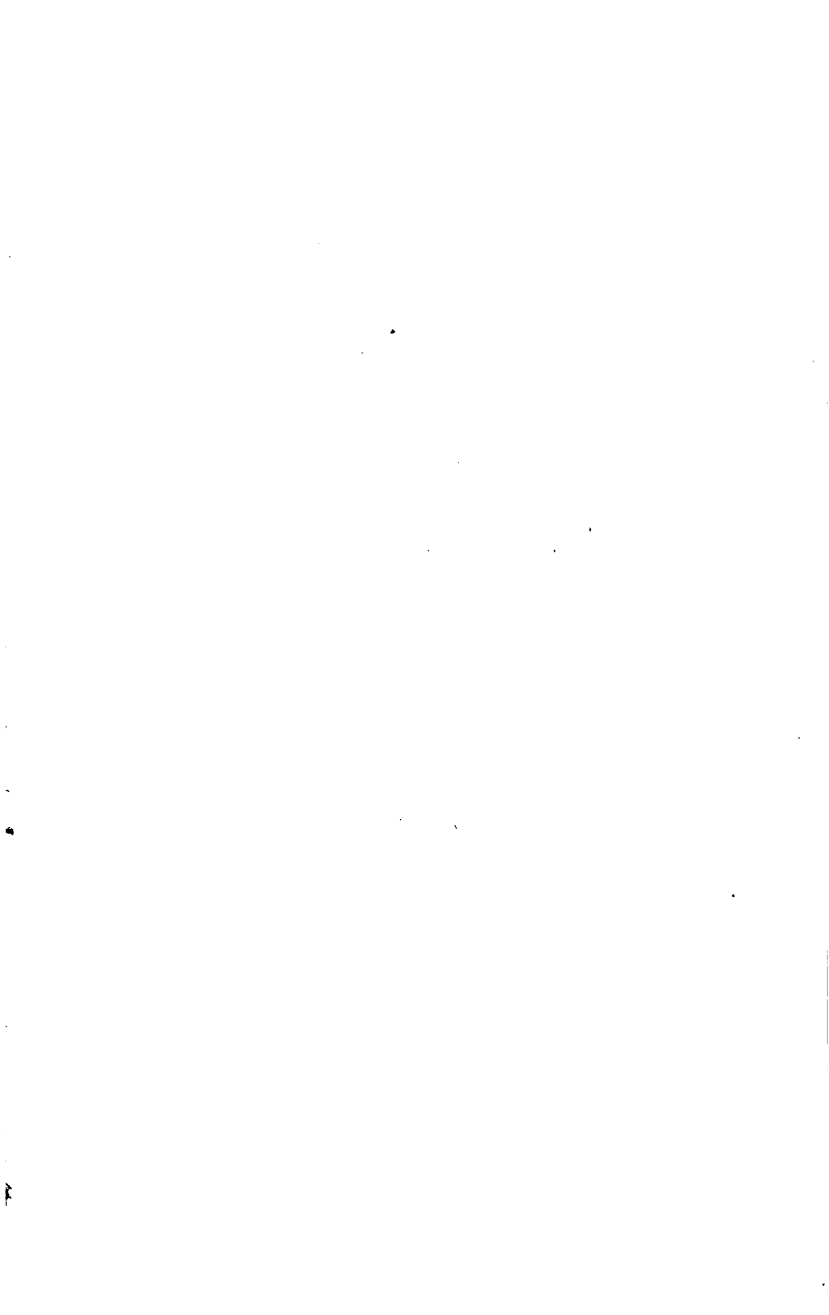
But why talk of Gavius? as if on Gavius you were wreaking private vengeance, and not rather waging war against the very name and rights of Roman citizenship. You were an enemy, I say, not to the individual man, but to the common cause of liberty. For when the authorities of Messana according to their usual custom would have erected the cross behind their city on the Pompeian road, why was it that you ordered that it be set up on the side that looked toward the Strait? Nay, you went so far as this, — you cannot deny it, for you said it openly in the presence of all, — you said you chose that spot in order that, as he had called himself a Roman citizen, from his cross of punishment he might be able to see in the distance his country and his home! Gentlemen, that cross was the only one since Messana was a city that was ever erected on that spot. A point was chosen by the defendant here for the express reason that it commanded a

view of Italy, and that the dying sufferer, in his last agony and torment, might see how the rights of the slave and of the freeman were separated by that narrow stretch of sea; that Italy might look upon a son of hers suffering the capital penalty reserved for slaves alone.

It is a crime to put a Roman citizen in bonds; to scourge him is an atrocity; to put him to death is well-nigh parricide: what shall I say it is to crucify him?—Language has no word for that enormity. Yet with all this yon man was not content. “Let him look,” said he, “toward the country he claims; let him die in full sight of freedom and the laws.” It was not Gavius; it was not a lone victim unknown to fame, a mere individual Roman citizen—it was the common cause of liberty, the common rights of citizenship, which were there outraged and put to a shameful death.

III

SAVONAROLA



SAVONAROLA

FRA GIROLAMO SAVONAROLA is an admirable type of a great preacher. First of all, he was sincere, and devoted heart and soul to his work — even to martyrdom. And then he had some simple gifts of language which carried his words home to the hearts of his listeners.

It is interesting to know that at nineteen he was passionately in love with a young lady, who rejected him because she thought his birth inferior to her own. This experience awoke him to a serious consideration of life, and he promptly decided to devote himself to God's service. He became a Dominican monk.

His first attempts as a preacher were not successful. He was sent to Florence; but there, too, he failed: he was sent elsewhere; at last he began to attract attention. His first decided impression was made on his return to Florence, when he began to foretell the doom of that worldly-minded city. Passionately earnest and true at heart, he held those who once came to listen to him, and they became his devoted disciples.

In due course of time Savonarola was elected prior of St. Mark's; and as St. Mark's had been largely supported by Lorenzo de' Medici, that famous and potent prince expected the eloquent preacher to pay his respects at the Palace. But Savonarola refused to go. He said that he owed his election to God, not to Lorenzo; and that Lorenzo might come to him. When he was threatened, he prophesied that Lorenzo would leave Florence before he did, — a prophecy that was fulfilled when the prince died a little later.

For the powers of evil in the gay and worldly city of Florence, this uncompromising monk had most terrible invective; for the members of his flock he had the gentle words of a father for his well loved children. When a man capable of the utmost heroism — heroism even unto death — speaks gently, his words are listened to, and all the more readily because they are simple and conversational. The same words from one incapable of mighty passion would pass unnoticed.

After the death of Lorenzo de' Medici and the expulsion of Lorenzo's son Piero, Florence became an austere republic, under the almost absolute control of Savonarola. The monk was an unofficial but important member of a diplomatic commission sent to interview the King of France, who was proposing to take some of the dependencies of Florence. On his return he preached in the words of the first selection, — "I bring you good news." It was with invective like that of

the second selection, that later he attacked the Pope himself, and brought on his own head excommunication and martyrdom.

"I BRING YOU GOOD NEWS"¹

HERE I am once more among you. You ask me: "Father, have you brought us some good news?" Yes, good news; I bring nothing but good news. You know that in time of prosperity I brought you bad news, and now, in your tribulation, I bring nothing but good news. Good news for Florence! Bad news for other places! . . . "Oh, but we want to know more, Father. Can you give us particulars?" Well, don't you think that it is a good piece of news that Florence has begun to return to a Christian way of living? For a good life is the truest happiness; and happiness is only to be found where men live well and fear God.

I have been yonder in the camp, which is like being in hell. . . . Do not ever allow yourself to desire to be a great lord, for such men never have an hour of true peace and happiness.

Moreover, don't you think it a piece of good news that God has lifted the cloud from over you, and has sent it over others? But you say: "It is we who have caused it to move on." This is just what I told you that you would say, attributing all to your own prudence. But I tell you now that your prayers have been the wind which has driven away this cloud. It is the hand of God which has done it all.

¹ These translations are taken from Luca's "Life of Savonarola."

... "But we want to know more, Father. You have been to the King. Have you nothing to tell us?" Nay, I was not your ambassador. I had no commission from the Signiory or from the Ten, though I was asked to go by some friends. So, not having been sent by you, I have no occasion to report to you the results of my embassy. I have reported it to Him who sent me. But I will tell you this: I went, and I sowed good seed, which in its time will sprout and grow, and you shall gather the harvest and shall eat. "Oh, Father, this is a parable; we want plain words." Well, then, I will explain it.¹ I went on your behalf, and out of the love which I bear to you. Do you think I would risk my life were I not certain of the truth of the things which I tell you?

I went to his Majesty, and I told him certain things which if he shall do, it will be well with him — well for his soul and for his kingdom and for his subjects. I told him that he must stand well with Florence, and act well by Florence, and that if he would not do it for love, he should do it perforce; that if he should so act it will be well with him, but woe to him if he does not so act; and I told him in detail (though I will not tell you, for it is not fitting that I should) what will befall him. He heard me with kindness, and promised me to do what I bade him, and he promised it to you, and I tell you again that if he does not fulfil what he has promised *per amore*, he shall do it perforce. And it is God Himself, who speaks in me, who will make him do it. . . .

¹ In the sermon, as it stands, he postpones the explanation, and afterwards returns to the subject. We omit the intervening portion.

This I say in conclusion, that God has opened His hand to this "barber," the King of France, and has given him all that he wanted in Italy; but if he fails to do what I have told him, I tell you, and I would have all the world to know, that God will withdraw His hand. And if he fails to perform for the Florentines what I have bidden him to do, nevertheless we shall have everything, if not of his goodwill, then perforce. Meanwhile, our arms must be prayer and fasting.¹

"LAZARUS, COME FORTH!"

COME hither, thou profligate Church. I gave thee, saith the Lord, beautiful garments, and ye have made idols of them. The sacred vessels have served your pride, the sacraments have been turned to simony; by your vices you have become a shameless harlot; you are worse than a brute beast, you are a horrible monster! There was a time when you were ashamed of your sins, but that is no more so. There was a time when priests called their sons nephews; now they are no longer nephews, but sons — sons and no mistake. . . . O harlot Church, you have made your deformity known to all the world, and the stench of your foulness has risen up to heaven. . . . Behold, I will stretch forth my hands, saith the Lord, I will come upon thee, thou profligate and wicked one; my sword shall be

¹ The word "barber" is an allusion to the "hired razor" of Isaiah vii. 20. It was one of Fra Girolamo's favourite predictions (and a remarkably true one) that God would send "many barbers" into Italy, of whom Charles VIII was only the first.

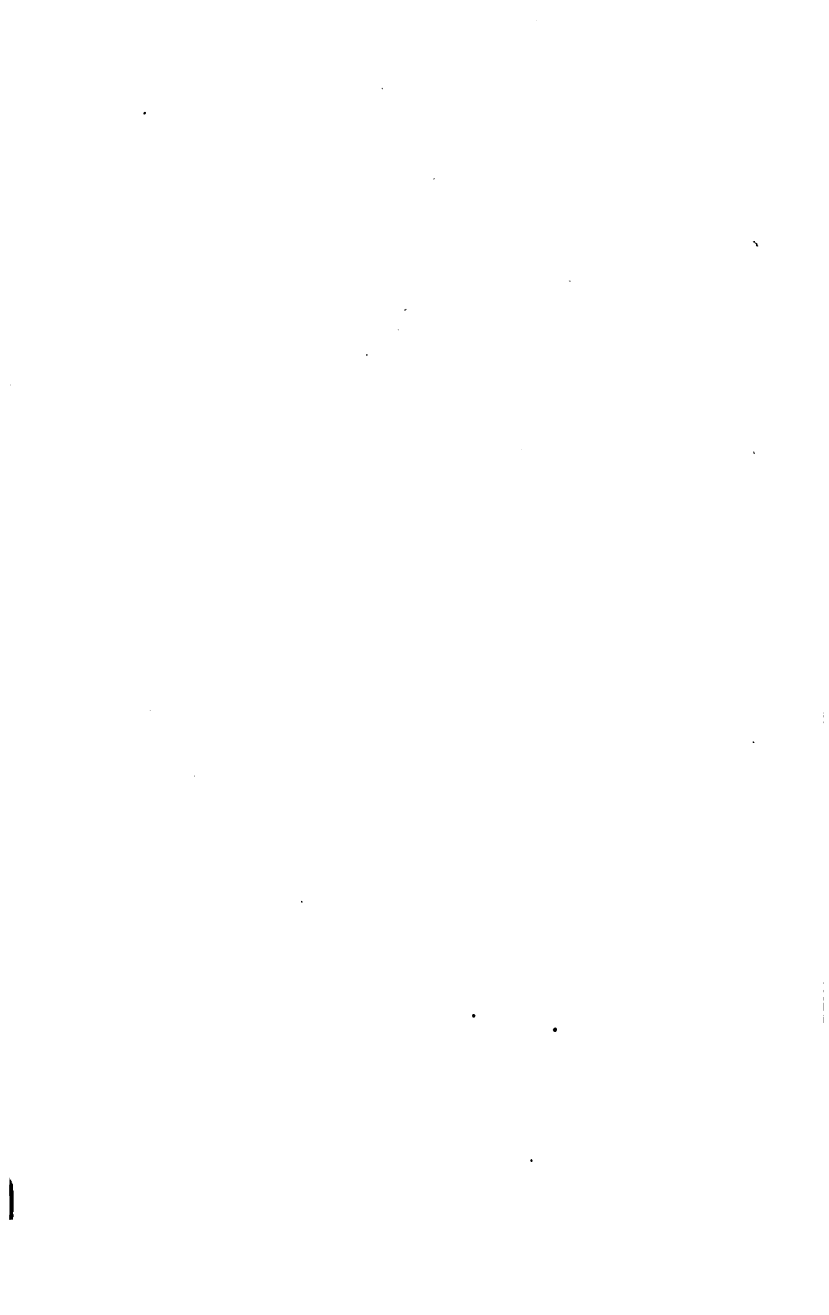
upon thy children, . . . upon thy harlots, and upon thy palaces, and my justice shall be made known. Heaven, earth, angels, good men and wicked shall accuse thee, and no one shall stand up for thee; I will deliver thee into the hands of those that hate thee.

O ye priests and friars, you by your bad example have buried this people in the grave of ceremonies. I tell you that this grave must be broken open, because Christ wishes to raise up His Church again in spirit. . . . We must all pray for this renewal. Write to France, to Germany, write to every place: This Friar says that you must all have recourse to the Lord, and pray that the Lord may vouchsafe to come. Do you suppose that we alone are good? that there are no servants of God in other places? Jesus Christ has many servants; there are many such in Germany, in France, in Spain, who now lie hidden, and mourn over this disease of the Church. In every city, and town, and village, in every religious order, there are those who have a share in this fire. These send to ask me to say a word in their ear, and I answer: "Stay quiet till you shall hear the summons: Lazarus, come forth!"

As for me, I stand here because the Lord has sent me to you, and I wait till He shall call me. Then will I utter a loud cry which shall be heard in all Christendom, and shall make the body of the Church to tremble, even as the voice of God made that of Lazarus to tremble.

THE SEA OF POLITICS

THE Lord has driven my barque into the open sea, . . . the wind drives me forward, and the Lord forbids my return. . . . I communed last night with the Lord, and said: "Pity me, O Lord; lead me back to my haven." "It is impossible; see you not that the wind is contrary?" "I will preach, if so I must; but why need I meddle with the government of Florence?" "If thou wouldst make Florence a holy city, thou must establish her on firm foundations, and give her a government which favours virtue." "But, Lord, I am not sufficient for these things." "Knowest thou not that God chooses the weak of this world to confound the mighty? Thou art the instrument; I am the doer." Then was I convinced, and cried: "Lord, I will do Thy will; but tell me what shall be my reward?" "Eye hath not seen, nor ear heard." "But in this life, Lord?" "My son, the servant is not above his master. The Jews made Me die on the cross; a like lot awaits thee." "Yea, Lord, let me die as Thou didst die for me." Then he said: "Wait yet awhile; let that be done which must be done, then arm thyself with courage."



IV
BOSSUET



BOSSUET

JACQUES BÉNIGNE BOSSUET is perhaps the greatest court preacher to be found in the whole range of modern history. In every way he is the exact opposite of Savonarola; for while Savonarola was of the people, and devoted much of his energy to inveighing against princes and princely mansions, Bossuet was the friend and counsellor of princes, enchanting them with his eloquence, and drawing rather than driving them to better ways.

When we compare the two men, we cannot hesitate for a moment in placing Savonarola far above the Frenchman, just as we must place Demosthenes above Cicero; but if Savonarola was the Demosthenes of the pulpit, Bossuet was the Cicero.

Bossuet was given the best education that Paris afforded at the time of Louis XIV, and at sixteen he had attracted the attention of the worldly great by his preaching. He does not seem to have been spoiled, and when he received his priest's vestures, he consented to live and perfect himself for six years in an obscure country parish. Then he was recalled to Paris, and became almost immediately the most popular

spiritual adviser of the royal household, preaching those great funeral orations on the vanities of earth (there were three principal ones: that for Queen Henriette, that for her daughter the Duchess of Orleans, and that for the Prince of Condé), and becoming tutor to the Dauphin.

It is interesting to note that the slight crudity of the writings of Bossuet during his country pastorate almost immediately disappears when he goes to Paris. In the last period of his life his composition is correct at the expense of vigour.

Bossuet's orations have the perfect musical quality of Cicero, and yet he adds a certain sentiment and personal sympathy which we do not find at all in Cicero. It is that quality of sentiment which controls and fascinates women; and it was undoubtedly largely because of his influence over women that Bossuet attained such success. Even nuns came from their retreats to listen to him; and he succeeded in winning the king's mistress La Vallière to a religious life in a Carmelite convent. To Henriette, the Duchess of Orleans, he was a friend and protector when as a girl she was left at the French court almost without protection; and he even directed her reading and the culture of her mind. It was doubtless partly because of his personal affection that he succeeded in uttering such eloquent words over her grave. If it was his eloquence that won the worldly courtiers, it was his goodness that held the many who were his personal friends.

FUNERAL ORATION ON HENRIETTE OF
ENGLAND, DUCHESS OF ORLEANS

[CONDENSED AND TRANSLATED BY THE EDITOR.]

IT has fallen to my lot to perform the funeral rites for the high and mighty Princess Henriette Anne of England, Duchess of Orleans. Little did I think as I saw her attentively listening while I performed the same duties for the Queen her mother, that she herself would so soon be the subject of a similar discourse, and that my sad voice was reserved for this unhappy ministry. Oh, vanity! oh, emptiness! oh, mortals ignorant of their destinies! Did she suspect this, then, ten months ago? And you, sirs, did you think, as you watched her tears flow in this very place, that she must bring you together again so soon to weep for her? Princess, the pride of two great royal households, was it not enough that England should mourn your absence, without being brought to weep also for your death? And France, that received you with such joy in the pride of her successes, has she no other pomp, no other triumph for you on your return from that fortunate journey from which you brought back so much of glory and such brilliant hopes?

Vanity of vanities, and all is vanity! It is the only word that I can use, it is the only reflection that I can indulge, in the presence of a calamity so unexpected, of a grief so genuine and poignant. I turned over the leaves of the sacred books, wondering what text I could find applicable to this Princess. I have

selected, without reflection and without choice, the first words to meet my eyes, these from Ecclesiastes, though, because "vanity" is a word so variously used, it is not completely expressive of the thought I would bring you. I wish in one sad lot to deplore all the calamities of the human race, and in the death of one to make you see the end and nothingness of all human greatness. But this text, which applies to all conditions and all circumstances of our life, is for a special reason appropriate to the subject of my discourse, since never have the vanities of earth been so clearly laid bare, nor so boldly confounded. No; after this we must come to see that health is but a name, life is but a dream, glory but a shadow, accomplishments and pleasures but a perilous indulgence; in all things our hearts are vain except in the sincere confession which we make before God of our vanities, and the arrested judgment which makes us despise all that we are.

But do I speak the truth? Man, whom God has made in his own image, is he only a shadow? That which Jesus Christ came from heaven to earth to save, that which he thought without degradation to buy with his own blood, is that a thing of trifling worth? Let us find our error. No doubt this mournful spectacle of human vanities weighs heavy upon us; and public hope, destroyed at a stroke by the death of this Princess, drives us too far. Man must not be permitted to despise himself altogether, lest with the ungodly he think that life is but a game where chance reigns supreme, marching on without rule and without guidance, at the mercy of blind desires. That is why the Ecclesiast, having begun his divine work with the words I have just quoted,

and filled page after page with scorn of things human, chose at last to show mankind something more substantial, and concluded his discourse by saying, "Fear God, and keep his commandments; for this is the whole duty of man. For God shall bring every work into judgment, with every secret thing, whether it be good or whether it be evil."

So we see that all is vain in man so far as that which he gives to the world is concerned; but on the other hand, all is important if we consider that which he owes to God. And again, all is vain in man if we regard the course of his life on earth; but all is precious, all is important, if we consider the end of it all, and the account which he must render. Let our thoughts, then, dwell to-day, as we look at this altar and this tomb, upon the first and the last words of the Ecclesiast: the first, which shows the nothingness of man, the last which establishes his greatness. As this tomb convinces us of our nothingness, so this altar, where each day a victim of great price is offered for us, apprises us at the same time of our dignity. The Princess whom we mourn shall be a faithful witness of the one as of the other. Behold what sudden death has snatched her from! Behold what a holy death has given her! Likewise let us learn to despise that which she has left behind without regret, that we may attach our esteem to that which she embraced with so much eagerness, when her soul, purified of all earthly feelings, and filled with the breath of heaven to which she has gone, saw all things manifest. Such are the truths I wish to bring to you.

I shall not dwell on the greatness of her exalted

rank, nor remind you of the works which spoke so plainly of the beauty of her spirit, for you all know them. I will speak of her services in the secret affairs of the state, and of her glorious journey to England, only to say that in that Madame was admired as never before. Why have you, Princess, the bond of union of two of the greatest kings of the earth, — why have you been snatched from them so soon? These two great kings came together; it was the result of Madame's efforts: and now their noble inclinations shall conciliate their spirits, and virtue shall be an immortal mediator between them. But if their union shall prove unstable, eternally shall we deplore the loss of her sweet power to charm, and bow in regret that a princess so dear to all the world has been laid low in the tomb, just when the confidence of two kings so great had raised her to the pinnacle of greatness and of glory.

Greatness and glory! Dare we utter such words in the presence of death, triumphant over both? No, of a truth, sirs, I dare not employ those proud names, with which human arrogance strives to deaden the sense of its own nothingness. It behooves us now to perceive that whatsoever is mortal, let it be decked with all the greatness that can be devised, is nevertheless intrinsically devoid of grandeur. Harken to the words — not of a philosopher or a scholiast, not of a monk meditating in his cloister; rather would I confound the world's reasoning by the mouth of those whom the world esteems most highly, by those who know it best; I will use no argument save the one which comes from a royal throne. It is a king who cries out, "Thou hast made my days as it were a span long, and mine age

is even as nothing in respect of Thee." So it is, Christians: all that can be measured comes to an end, and all that is born to end can scarce be said to have left the nothingness wherein it is so soon again to sink. If our being, our substance, is nought, whatsoever we build thereon, what is it? The building is not firmer than the foundation, nor the accidents of position greater than the being around whom they cling. Since nature keeps us so low, what can fortune do to raise us up? Consider the most notable distinctions which divide men — there is none sharper or clearer than that which raises a conqueror over those who lie beneath his feet. Yet that conqueror, glorying in his title, must needs himself fall, conquered by death.

Consider, sirs, these mighty powers which we look up to from our lowly station. While we tremble under their hand, God smites them to divert our attention. Their elevation is the cause of it; and he regards them so little that he does not fear to sacrifice them for the instruction of the rest of mankind. Christians, do not murmur if Madame has been chosen to give us such instruction. There is nothing in it hard for her, since, as you see his hand in the sequel, God saves her by the same act by which he instructs us. We ought to be conquered by our own nothingness; but if there is need of these sudden strokes to surprise our hearts enchanted by the love of the world, this surely is great enough, this surely is terrible enough. O disastrous night! O hideous night! on which in a moment, like a clap of thunder, there resounded the astounding news, "Madame is dying! Madame is dead!" Who of us did not feel smitten by that stroke, as if some

tragic calamity had desolated his own family? At the first whisper of an evil so mysterious, feet hurried to Saint-Cloud from every direction; all was consternation, except the heart of this Princess. Cries were heard on every side; on every side appeared grief and despair, and the image of death. The King, the Queen, you, sir, all the court, all the people, were overwhelmed in grief, were overwhelmed in despair; and I seem to see the fulfilment of the words of the prophet: "The king shall weep, the prince shall be desolate, and the hands of the people shall fall in their grief and amazement."

But princes and peoples groaned in vain. In vain, sir, in vain the King himself held Madame locked in close embrace. Then each could say with Saint Ambrose, "*Stringebam brachia, sed jam amiseram quam tenebam* — I pressed tight my arms, but I had already lost that which I held." The Princess had escaped them in the midst of embraces so tender; and death, more powerful than we, had lifted her out of the royal arms.

Oh, why, alas, should she perish so suddenly? Most frequently the change comes gradually, and death sends warnings before the final blow. But Madame passed at once from morning to evening, like the flowers of the field. The forcible language of Holy Scripture, "In the morning it is green and groweth up, in the evening it is cut down and withereth," was literally fulfilled in her.

Madame met death gently and sweetly, as she had ever met all else. And what matters it if her life was short? That which must end can never be long. I trust for her to that mercy to which she appealed so heartily and so humbly.

As you gaze upon these courtly places where she no longer moves, remember that the glories you admire were her greatest dangers in this life, and that in the next she has to undergo a strict examination concerning them, where nought can avail her save her full resignation to God's holy will, and her deep and humble penitence.



V

MIRABEAU



MIRABEAU

WHEN we think of France we think of the Revolution; and when we think of the Revolution we remember Danton and Robespierre. But greater than these, both as statesman and orator, is Mirabeau, the principal figure of the Constituent Assembly, whose political career began in 1789 and ended with his death in 1791. Had Mirabeau lived, the Reign of Terror might never have come. While the Bourbon dynasty would doubtless have fallen, the Revolution might well have been bloodless. Mirabeau alone understood and sympathized both with the Court and with the people. He was the strong champion of the rights of the governed, yet a jealous protector of the power of those who were to govern, since he knew they must have power or there could be no government. While he lived he restrained and directed the popular turbulence, and at the same time wisely advised the Court in its action.

In his youth, Mirabeau had been very wild. He had many disgraceful love affairs, and was often imprisoned by his father by *lettres de cachet*. During the last of these imprisonments, which continued for three and a half years, his tumult-

uous passions seemed to have spent themselves, and the real nobility of his character asserted itself. He spent some time in England, and came in contact with the great statesmen of that period, learning the true spirit of the English constitution. At last he went to France, and unselfishly devoted the remainder of his life (only too much weakened by his early excesses) to the welfare of his country.

His style of oratory more nearly resembles that of Demosthenes than does that of any other modern orator. He was an acute, logical reasoner, and therefore a statesman; and at the same time he was passionately in earnest and passionately sincere, therefore an orator. His style is plain, and is especially adapted to convincing public assemblies. Demosthenes, it will be remembered, spoke most effectively to a jury (though always a large one), or to a somewhat more responsible public gathering; Mirabeau, however, lacked the long and persistent training of Demosthenes, and more than half his life had been wasted before he began to develop his true powers at all.

His greatest speech is the second which he delivered before the Constituent Assembly on "The Right of War and Peace." In the first speech he presented his plan for adjusting the rights of the people, yet preserving the veto power of the king. At once he was attacked as a traitor to the popular cause, and in his second speech he defends himself as Demosthenes defended himself

in his oration "On the Crown," and in clear, simple, luminous language argued the case for the proposal he had made.

THE RIGHT OF WAR AND PEACE¹

IT is, doubtless, a point gained toward reconciling opposite opinions, to make known clearly what it is that produces the coincidence, and what it is that constitutes the difference. Amicable discussions are more favourable to a right understanding of our respective sentiments, than defamatory insinuation, outrageous accusations, the animosities of rivalry, the machinations of cabal and malevolence. A report has been spread abroad for this week past, that that part of the National Assembly which approves the concurrence of the royal will in the exercise of the right of peace and war, has incurred the guilt of parricide against public liberty. Rumours of perfidy, of corruption, are disseminated; popular vengeance is invoked to aid the tyranny of opinion. One might assert that there cannot, without a crime, exist two opinions upon one of the most delicate and most difficult questions of civil organization. What a strange madness this, what a deplorable blindness, which thus inflames us one against another, — men whom one and the same object, the same indestructible sentiment, should, amidst the most fell debates, still reconcile, still reunite; men who in fact substitute the iras-

¹ This admirable translation by James White, Esq., was published in 1792. A few of the notes made by Mr. White are retained, marked "W."

cibility of self-interest for patriotism, and deliver up one another to the rage of popular prejudice!

As for me, but a few days ago it was proposed to carry me in triumph; and now, the cry is, through every street of Paris: "THE GRAND TREASON OF THE COMTE DE MIRABEAU!" I did not want such a lesson to inform me that there is but a short distance from the Capitol to the Tarpeian rock. However, a man combating for reason, for his country, will not so readily acknowledge himself vanquished. He who feels within himself the consciousness of having deserved well of his country, and especially of being still of use to it; he who does not feed upon a vain celebrity, and who contemns the success of a day when looking forward to true glory; he who wishes to speak the truth, who has at heart the public welfare independently of the fickle movements of public opinion; — such a man bears along with him the recompense of his services, the mitigation of his pains, and the price of all his perils; such a man must expect his harvest, his destiny, — the only one which interests him, the destiny of his fame, — from time alone, that judge incorruptible, who renders strict justice to every one. Let those who, for this week past, have been prophesying my opinion without knowing what it was, who at this moment are calumniating my speech without understanding it, let them accuse me of offering incense to idols without power, at the very moment when they lie prostrate, or of being the vile stipendiary of men against whom I have indefatigably waged war; let them arraign as an enemy to the Revolution, the man who, perhaps, has not been altogether useless to it, and who, were that Revolution unconnected with his

renown, might there alone expect an asylum; let them deliver up to the fury of an infatuated people the man who for these twenty years has been the adversary of oppression, who talked to the French of liberty, of constitution, of resistance, when his base calumniators were at nurse in the court of despotism and suckled with the milk of overbearing prejudices. What is all this to me? This treatment, these unworthy practices, shall not arrest me in my career. I will say to my antagonists, Answer, if you are able; then calumniate, as much as you please.¹

I reënter the lists, then, with no armour but my principles, and the fortitude of conscience. I am going to state, in my turn, the real points of difficulty, with all the accuracy in my power; and I beseech such of my adversaries as shall not understand me, to call on me to stop; that I may express myself more clearly; for, as to the reiterated reproaches of evasion, of subtilty, of doubling and winding, I have resolved to shake them off, "like dew-drops from the lion's mane."² As far as on me depends, this day shall unveil the secret of our respective loyalties. M. Barnave has done me the

¹ Illustrious paragraph! What a torrent of sublime eloquence, what gallant indignation, what an animated display of glorious services, what a grand and courageous consciousness of patriotism! Assuredly, the noble orator had amply imbibed the spirit of antiquity, "while his adversaries were sucking the milk of despotism." He who seeks for anything equal to this paragraph must look for it in the famed oration of Demosthenes *On the Crown*, where that statesman defends his whole political life and character. Well may the friend and editor of *Mirabeau* exclaim that these speeches "will instruct orators yet unborn." — *W*.

² I ask pardon for intruding this; there is nothing in the original to warrant it. — *W*.

honour to answer me alone; I mean to pay the same compliment to his talents; I am going to endeavour, in my turn, to refute him.

You have said: "We have instituted two distinct powers, the legislative and the executive; the one is commissioned to express the national will, the other to execute it. These two powers ought never to be confounded."

You have applied these principles to the question of debate, that is, to the exercise of the right of war and peace.

You have said: "We must distinguish between action and will; action shall be the King's, will the property of the legislative body. Therefore, when the question shall be to declare war, such declaration being an act of will, it shall be the province of the legislative body to make it."

After having laid down this principle, you applied it to each article of my decree. I shall follow the same route. I shall first discuss the general principle; I shall then examine the application which you have made of it to the exercise of the right of war and peace; lastly, I mean to follow you step by step in your criticism of my decree.

You assert that we have two distinct delegates, the one for action, the other for will: I deny it.

The executive power, in whatever relates to action, is certainly very distinct from the legislative; but it is not true that the legislative body is entirely independent of the executive power, even when it is expressing the general will.

In fact, what is the organ of that general will, according to the constitution? It is, at once, the assembly of the national representatives, or the leg-

islative body, and the representative of the executive power; and it takes place in the manner following: the legislative body deliberates, and declares the general will; the representative of the executive power has the twofold right, either of sanctioning the resolution of the legislative body (and such sanction consummates the law), or of exercising the *veto* which is granted to it for a certain time; and the constitution has determined that, during this period, the resolution of the legislative body shall not be law. It is, therefore, inaccurate to say that our constitution has established two delegates entirely distinct, even when the question relates to the expression of the general will. On the contrary, we have two representatives who coöperate in the formation of law, one of whom introduces a kind of secondary will, exercises over the other a species of control, and bestows on the law his share of influence and authority. Therefore, the general will does not result from the unmodified will¹ of the legislative body.

Let us now pursue the application of your principle to the exercise of the right of war and peace.

You have said: "Whatever in this is nothing more than will, as in all the rest, returns to its natural principle, and can be declared by the legislative power alone." Here I stop you; and I discover your sophism in a single word, which you yourself have brought forward: you shall not, then, escape from me.

In your speech, you confer the enunciation of the general will exclusively — upon whom? *Upon the legislative power.* Upon whom do you confer it in

¹ La simple volonté.

your decree? *Upon the legislative body.* And for this I call you to order. You have *annulled* the constitution. If you mean that the legislative *body* is the legislative *power*, you thereby overturn every law that we have made. If, whenever the question turns upon expressing the general will with respect to war, the legislative body suffices, according to that alone — the King having neither participation nor influence nor control nor anything of all that we have granted to the executive power by our social system — you would have, in legislation, two different principles, the one for ordinary legislation, the other for legislation with respect to war; that is, for the most terrible crisis which can agitate the body politic. One while you would have need, and another while you would have no need, of the assistance of the monarch in order to express the general will. And it is you who talk of homogeneity, of unity, of compactness¹ in the constitution! Attempt not to say that this distinction is idle; it is so little entitled to that epithet, it is so important in my eyes, and in the eyes of every good citizen who countenances my doctrine, that, if you will substitute, in your decree, in place of the words *the legislative body*, the words *the legislative power*, and define that power thus, — An act of the National Assembly, sanctioned by the King, — we shall, by that alone, come to an agreement upon the principles; but you will then return to my decree, because it grants less to the King. — You make no answer. I proceed.

This contradiction becomes still more striking in the application which you yourself have made of

¹ D'ensemble.

your principle to the case of a declaration of war. You have said: "A declaration of war is no more than an act of will; therefore it is the province of the legislative body to express it."

I have here two questions to put to you, each of which involves two different cases.

The first question is, Do you mean that the declaration of war is so far the property of the legislative body that the King has not the initiative? or do you mean that he has the initiative?

In the former case, if he has not the initiative, do you mean likewise that he has not the *veto*? From that moment the King ceases to coöperate in the most important act of the national will. How do you reconcile this with the rights which the constitution has conferred upon the monarch? How do you reconcile it with the public interests? You will have as many encouragers of war as there shall be men of fiery temper.

Are there, or not, great inconveniences in such an order of things? You do not deny that there are.

Are there any, on the other hand, in allowing the King the initiative? By the initiative, I mean a notification, any message whatsoever. You cannot discover any inconvenience there.

Observe, moreover, the natural course of things. In order to deliberate, it is necessary to be informed. By whom are you to be informed, if not by him who has the superintendence of your foreign connections?

That were, indeed, a strange constitution which, having conferred upon the King the supreme executive power, should provide a means of declaring war without the King's having originated the debate upon that subject, in consequence of those connec-

tions which it is his duty to maintain. Your assembly would be no longer a deliberating, but an acting body; it would be, in fact, the governing power.

You will, therefore, allow the initiative to the King.

Let us now proceed to the second case.

If you allow the King the initiative, either you suppose that it is to consist in a mere notification, or you suppose that the King will declare which side it is his inclination to take.

If the King's initiative must be confined to simple notification, the King, in fact, will have no concurrence in the declaration of war.

If, on the contrary, the King's initiative consists in a declaration of the course which he thinks ought to be taken, you have here a double hypothesis, upon which I request that we may argue.

Do you mean that, when the King shall have given his vote for war, the legislative body may deliberate upon peace? I find no inconvenience here. Do you mean, on the other hand, that, when the King is inclined to peace, it shall be lawful for the legislative body to order war, and to cause it to be carried on in spite of him? I cannot adopt your system, because here arise inconveniences which it is not possible to remedy.

From this war determined on in spite of the King would ere long result a war of opinion, against the King, against all his agents. The most turbulent superintendency would preside over all the operations; the desire of seconding those operations, and distrust of the ministry, would betray the legislative body into transgressing its proper limits. Commit-

tees of military execution would be proposed, as some have lately proposed committees of political execution: the King would be then no more than the agent of these committees; we should have two executive powers, or rather the legislative body would exercise the royalty.

Therefore, by this encroachment of one power upon the other, our constitution would utterly depart from its own nature; from being monarchical, as it ought to be, it would become a downright aristocracy. You have not answered this objection, and I think that you never can answer it. You talk of restraining nothing but ministerial abuses, and I am talking of the means of restraining the abuses of a representative assembly. I am telling you that it is our duty to control that bias which all government takes insensibly toward the predominating form wherewith it is impressed.

But if, when the King is inclined to war, you confine the deliberations of the legislative body to a consent that such war shall be undertaken, or to a resolution that it ought not to be undertaken, and to compelling the executive power to negotiating a peace, you avoid all those inconveniences: and take especial notice (for here it is that my system is so eminently distinguished) that you are perfectly consistent with the principles of the constitution.

The King's *veto* finds itself, from the very nature of things, almost entirely blunted in affairs of execution; rarely can it take place in matters relative to war. You parry this inconvenience; you reestablish the superintendency, the reciprocal control, which the constitution has provided, in imposing upon the two delegates of the nation, her

removable representatives and her unremovable representative, the mutual duty of coinciding when the question is upon war. You attribute likewise to the legislative body the sole faculty which can enable it to concur, without inconvenience, in the exercise of this terrible privilege. You at the same time secure the national interest, as far as in you lies; since all that you will have to do in order to arrest the progress of the executive power will be to require it to place continually within the reach of the legislative body the means of deliberating on every case which can present itself.

It appears to me, gentlemen, that the point of difficulty is at length completely known; and, for a man for whom such applause was prepared within and without doors, M. Barnave has not at all approached the true state of the question. It were now but too easy a triumph to pursue him through all the particulars, where, if he has exhibited the talents of a speaker, he has not betrayed the slightest symptoms of a statesman, nor any knowledge of human affairs.¹ He has declaimed against the mischiefs which kings can do, and which they have done; and he has taken special care not to remark that in our constitution the monarch can never hereafter assume the character of a despot, nor do any thing that can be interpreted as arbitrary. And above all, he has taken good care not to speak of

¹ Wonderful man yourself! After having seen you display such high powers of declamation, we now find you reasoning with the closeness of an Aristotle, with the candour of a Fénelon. Yet (and here you rise above the generality of men of argument), the dignity of the orator pursues you even in your logic; you syllogize with an air of majesty. — *W.*

popular emotions, although he himself could have given an example of the facility with which the friends of a foreign power can influence the opinion of a national assembly by collecting the people around it, and by procuring for their agents, in the public walks, a clapping of hands as a testimony of general favour. He has quoted Pericles as involving his country in a war in order to avoid passing his accounts. Should not one be led to imagine, on hearing M. Barnave, that Pericles was a man who, well knowing how to flatter the passions of the people and to procure seasonable applause when descending from the tribune, by his largesses or by those of his friends, plunged into the Peloponnesian War—whom?—the National Assembly of Athens.

I come now to the critique upon the plan of my decree, and shall take a rapid review of the different objections.

Article the first. *“That the right of making war and peace belongs to the nation.”*

M. Barnave maintains that this article is useless. Why useless? We have not delegated the royalty, we have recognized it as existing anterior to the constitution. Now, since it has been maintained in this assembly that the right of making war and peace is inherent in the kingly office, since it has been asserted that we have not even the power of delegating that right, I was therefore warranted in declaring it was my duty to declare in my decree that the right of war and peace was the property of the nation. Where, then, is the snare?

Article the second. *“That the exercise of the right of war and peace ought to be delegated concurrently to the legislative body and the executive*

power in the manner following." According to M. Barnave, this article is contrary to the principles, and discovers the fallacy in my decree. Such is, in fact, the question, the true question which agitates us. Speak accurately. Ought the two delegates of the nation to coöperate, or not, in expressing the general will? If they ought, can we assign to one of them an exclusive delegation in the exercise of the right of war and peace? Compare my article with yours: you mention neither the initiative properly so called, nor proposition, nor sanction on the part of the King. If I speak no more either of proposition or of sanction, I compensate for this concurrence by another. The line which separates us is, therefore, quite clear: it is I who am in the constitution; it is you who are departing from it. It is very necessary that you should return to it. Where, then, is the snare?

It consists, you say, in my not expressing in what manner the concurrence of those two delegates should be exercised. What? not express it! Then, what do these words signify: *in the manner following?* and what is the object of the articles which follow? Have I not said precisely, in several of the articles, that the notification is in the King, and the resolution, the approbation, the disapprobation, in the National Assembly? Does it not evidently result from each of my articles that it never shall be lawful for the King to commence a war, nor even to continue it, without the determination of the legislative body? Where is the snare? I know of but one snare in this discussion, that of having affected to give the legislative body no more than the decision upon war and peace, and of having, nevertheless,

in fact, by means of a mental reservation,¹ a deception of words, entirely excluded the King from all participation, from all influence, in the exercise of the right of peace and war.

I know of but one snare in this proceeding; but here a little awkwardness has revealed your secret. It is this: in distinguishing the declaration of war in the exercise of the right as an act of mere will, you have consequently appropriated it to the legislative body only; as if the legislative body — which is not the legislative power — had, without the King's concurrence, the exclusive property of the will!

Article the third. Here we perfectly agree.

Article the fourth. You have asserted that I had required the notification only in case of some hostility; that I had taken for granted that every act of hostility was a war; and that, accordingly, I permitted the executive power to make war without the coöperation of the legislative body. How unfair! I have required the notification to be made in the case of *hostilities impending or commenced, of an ally to be supported, of a right to be preserved by force of arms*: have I, or not, comprehended all the cases? Where is the snare?

I have said in my speech that hostilities often precede deliberation; I have said that those hostilities might be of such a nature as to amount to a commencement of the state of war. What answer have you made me? That war could not exist otherwise than by a declaration of war. But, are we disputing about things, or about words? You have said with seriousness, what M. de Bougain-

¹ Une réticence.

ville said at the sea fight of the Grenadines in a moment of heroic gaiety. The bullets were flying about his ship; he cried out to his officers: "*The pleasant thing is, gentlemen, that all this while we are not at war*"; and, in fact, war had not been declared.

You have gone largely into the present case of Spain. An act of hostility has been committed: would the National Assembly of Spain have no occasion for deliberation? Doubtless it would, and I have said so, and my decree has formally provided for the case. Here are hostilities commenced, a right to be maintained, a war impending. You have concluded, then, that an act of hostility does not constitute a state of war. But if, instead of two vessels taken and released in Nootka Sound, there had been an engagement between two ships of war; if, in order to support them, two squadrons had intermeddled in the quarrel; if an enterprising admiral had pursued the vanquished into port; if an island of some importance had been taken, — would there not then have existed a state of war? This will be all that you desire; but since neither your decree nor mine presents means of making the deliberations of the legislative body take the lead of such hostilities, you will admit that it is not there the question lies. But where is the snare?

Article the fifth. It has been my wish to make mention of a possible fact, a fact, of which you, in your decree, do not seem to be in the least aware. In the case of hostilities received and repulsed there may exist a blamable aggression, and the nation ought to have the right of impeaching and punish-

ing the author of it. It is not sufficient not to be engaged then in war; we must restrain the person who, by an imprudent or a perfidious step, would have risked or attempted engaging us in a war. I point out the means of doing it: do you call that a snare? But, according to you, I suppose that the executive power has the right of commencing hostilities, of becoming an aggressor. No, I do not give it such a right, since I formally take away the right from it; I am not permitting aggression, for I am proposing to punish it. What, then, am I doing? I am reasoning upon a possible fact, one which neither you nor I can prevent. I cannot hinder the supreme depositary of the whole national force from possessing mighty means and opportunities of abusing it; but is not this inconvenience to be found in every system? It shall be, if you like, the royal distemper:¹ but do you pretend to assert that a mere human institution, a government made by men, made for men, should be exempt from inconveniences? Do you pretend to maintain, that, because royalty has its dangers, we must renounce its advantages? Out with it at once:² for then we shall have to determine whether, because the fire sometimes burns our fingers, we should deprive ourselves of the warmth and of the light which we obtain from it. All can hold good, excepting inconclusiveness. Tell us that we ought not to have any king; do not tell us that we ought to have only a powerless, a useless one.

The sixth, seventh, and eighth articles, I think

¹ Le mal de la royauté. I might have called it *The King's Evil*, but that would have appeared a pun. — *W.*

² Dites-le nettement.

you have not attacked; we are agreed, therefore, as to them. But allow that he who imposes on the executive power limitations which no other decree has suggested has not complimented¹ the royal power with usurpation, as some have not scrupled to insist. Admit that he, as well as another, knows how to fortify the people's rights with constitutional precautions; admit that, at the very moment when that misled people is threatening him, he is combating for that people far better even than you.

Article the ninth. *That in case the King shall head the army in person, the legislative body shall have the right of assembling such a number of the National Guards, and in such place, as it shall deem expedient.*—This measure has drawn upon me your bitterest reproaches. It has its inconveniences, undoubtedly; is there any institution which has not? Had you thoroughly comprehended it, you would have perceived that, had this measure been, as you have asserted, a needful accessory to my system, I should not have confined myself to applying it to the case—doubtless a very rare one—where the King headed the army in person,² but should have pointed it out as a remedy for every case of war indefinitely. If in all this there be any snare, the snare lies entirely in your own mode of reasoning, and not in the system of one whose intention surely is to keep the King aloof³ from the command of armies beyond the frontiers, because he does not think it meet that the grand overseer of the community should be made the common centre

¹ Doté.

² Feroit la guerre en personne.

³ Écarter le roi.

of so many dangerous functions; the snare is not to be found in the system of one who provides your civil organization with the only means of regular insurrection, which decides the principles of your constitution. There is a manifest unfairness in ransacking my system for weak points,¹ or for artful views in providing against an inconvenience suggested by every member who has spoken before me, and which exists in all the theories: for it is evident that a martial monarch may be led astray by his passions, and seconded by legions educated in the school of victory, whether the legislative or the executive power have originated the war. If in every constitutional hypothesis this terrible mischief can be equally foreseen, there is one remedy, and but one, to oppose to it: you and I equally acknowledge the duty of insurrection, in certain extreme cases infinitely rare. Is it so culpable a provision to render insurrection more methodical and more formidable? Is it a snare to have assigned to the National Guards their true destination? And what are these troops, if they are not the troops of liberty? Wherefore have we instituted them, if they be not destined to the perpetual conservation of their conquest? But further, — you were the first among us who exaggerated this danger. Either it exists, or it does not exist: if it does not exist, why have you treated it as a thing of consequence? if it does exist, both my system and yours are equally threatened by it. The case, then, being so, either accept the means I offer, or give me something else instead, or consent to go without any. It is all the same to me, to me who view this danger in the

¹ À chercher la foiblesse de mon système.

light only of a chimera. I give my vote, therefore, for the amendments made by M. Chapelier, who is for leaving out this article.

It is full time to terminate this long debate. I am in hopes that henceforward none will think of shutting their eyes against the true point of difficulty. I am for the coöperation of the executive power in expressing the general will with respect to war and peace, in like manner as the constitution has conferred on it that coöperation, in every part already established of our new social system. My adversaries are not for it. I am contending that the superintendence of one of the people's delegates should never desert it in the most important political operations; and my antagonists contend that one of the delegates should exclusively possess the right of making war; as if, even were the executive power a stranger to the composition of the general will, our deliberations turned only on the declaration of war, and the exercise of the right involved not a series of mixed operations, in which action and will jostle each other and are confounded.

Such, then, is the line which separates us. If I am mistaken, once again let my adversary arrest me in my career, or rather let him substitute in his decree, in place of the words *the legislative body*, the words *legislative power*, — that is, an act issuing from the representatives of the nation, and sanctioned by the King, — and we are perfectly agreed, if not in practice, at least in theory; and we shall then be able to judge whether this theory be not better realized in my decree than in any other.

It has been proposed to you to decide the question by a parallel between those who support the

affirmative and those who support the negative. You have been told that you would see, on the one side, men who hope either for advancement in the army or to be employed in transacting foreign affairs, men connected with the ministers and their agents; on the other, *the peaceful citizen, virtuous, unknown, unambitious, who finds his own happiness and existence in the happiness and existence of the community.*

I mean not to follow this example. I think that it is no more conformable to the expediencies of politics than it is to the principles of morality, to sharpen the poniard with which one cannot wound one's rival without soon feeling the weapon returned upon one's own heart. I do not think that men who ought to serve the public cause as true brother soldiers find any pleasure in defamation and intrigue, and not in information and talents; in seeking guilty triumphs in mutual ruin and depression, the trophies of a day, injurious to all, and even to the cause of glory. But I will tell you: among those who maintain my doctrine you may reckon upon all men of moderation, who do not think that wisdom is to be found in extremes, nor that the spirit of pulling down should never make room for that of building up; you may reckon upon the greatest part of those energetic citizens who, at the commencement of the States-General (such at that time was the appellation of this national convention, which is yet but in the cradle of liberty), trampled on so many prejudices, braved so many dangers, beat down so many impediments, in order to make their way into the midst of the Commons, in whom that devotedness inspired the courage and the force which have really

effectuated your glorious revolution ; you will there behold those tribunes of the people whom the nation will long rank among the number of her deliverers notwithstanding the incessant barking of envious mediocrity ; you will there see persons whose very name disarms calumny, and whose reputation, both as public and private men, the most headstrong libellers have never essayed to tarnish, — men, in fine, who without blemish, without views of interest, and without fear, will be honoured even to the grave, both by their friends and by their enemies.

I conclude with moving you that my plan of decree be debated, as amended by M. Chapelier.

VI
CHATHAM

CHATHAM

WILLIAM PITT the elder, Lord Chatham, is the ideal popular statesman and orator. Noble-minded, intellectually strong, and passionate in his enthusiasm and in his determination, he was a popular leader without being in any sense a demagogue; and the few speeches that remain to us are in every way typical of this character.

Chatham modelled his eloquence to a considerable extent on Demosthenes. He had the same simple directness, and the same fiery energy, and his appeal was to the noblest sentiments of his hearers. But Chatham never prepared his speeches as Demosthenes did, and he does not display that subtle, artful appeal to the prejudices, convictions, and habits of thought of his particular audience so characteristic of Demosthenes. He simply dazzles and overwhelms his immediate auditors by the earnestness and energy and brilliancy of his words. On a wider field, however, he does what Demosthenes did in a narrower and more artfully finished way. The great success of his career rests on the fact that he understood public opinion, catered to it, and used it. As the sympathetic heart of Demosthenes told him what

were the feelings and views of the men before him, so Chatham sympathetically perceived the views and feelings of the masses beyond the range of his immediate voice — the people at large. In reality he spoke to this larger audience, and by instinct used that special skill which with Demosthenes was a matter of studied art.

Chatham was an extemporary speaker, and indeed seldom succeeded when he attempted any preparation. Moreover, he could not as a rule speak well to a small or frigid audience, but needed the inspiration of the occasion and his own passionate interest in the subject in hand, in order to do his best.

The great difference between ancient and modern oratory is, that ancient oratory was carefully written out in advance, while modern oratory is extemporaneous. The change is due to the fact, not that ancient enthusiasm for art has diminished, so much as that the modern believes as a principle that extempore speaking is likely to be more convincing.

Only a few fragments of his speeches are preserved. The most famous is the speech in the House of Lords, in which he moved an address to the throne praying that an end be put to the American war on any terms that might be necessary. It came almost at the end of his life, when his personal power had nearly disappeared on account of his withdrawal from public life because of hereditary gout and a mental affection.

Supported by his crutches, and speaking but for a few minutes, he made this last passionate effort to influence the government. It was an explosion of eloquence all the more splendid because so brief and spasmodic. The case was hopeless; but the speech was one of those heroic efforts that are likely to make the name of Chatham remembered as long as the English language is spoken.

ON AMERICAN AFFAIRS

(ON AN ADDRESS TO THE THRONE CONCERNING AFFAIRS IN AMERICA. HOUSE OF LORDS, NOVEMBER 18, 1777.)

I RISE, my Lords, to declare my sentiments on this most solemn and serious subject. It has imposed a load upon my mind which I fear nothing can remove, but which impels me to endeavour its alleviation by a free and unreserved communication of my sentiments.

In the first part of the Address I have the honour of heartily concurring with the noble Earl who moved it. No man feels sincerer joy than I do — none can offer more genuine congratulations — on every accession of strength to the Protestant succession. I therefore join in every congratulation on the birth of another princess, and the happy recovery of her Majesty.

But I must stop here. My courtly complaisance will carry me no farther. I will not join in congratulation on misfortune and disgrace. I cannot

concur in a blind and servile Address which approves, and endeavours to sanctify, the monstrous measures which have heaped disgrace and misfortune upon us. This, my Lords, is a perilous and tremendous moment! It is not a time for adulation. The smoothness of flattery cannot now avail — cannot save us in this rugged and awful crisis. It is now necessary to instruct the Throne in the language of truth. We must dispel the illusion and the darkness which envelop it, and display, in its full danger and true colours, the ruin that is brought to our doors.

This, my Lords, is our duty. It is the proper function of this noble assembly, sitting, as we do, upon our honours in this House, the hereditary council of the Crown. *Who* is the minister — *where* is the minister, that has dared to suggest to the Throne the contrary, unconstitutional language this day delivered from it? The accustomed language from the Throne has been application to Parliament for advice, and a reliance on its constitutional advice and assistance. As it is the right of Parliament to give, so it is the duty of the Crown to ask it. But on this day, and in this extreme momentous exigency, no reliance is reposed on our constitutional counsels; no advice is asked from the sober and enlightened care of Parliament; but the Crown, from itself and by itself, declares an unalterable determination to pursue measures — and what measures, my Lords? The measures that have produced the imminent perils that threaten us; the measures that have brought ruin to our doors.

Can the minister of the day now presume to expect a continuance of support in this ruinous infatu-

ation? Can Parliament be so dead to its dignity and its duty as to be thus deluded into the loss of the one and the violation of the other? To give an unlimited credit and support for the steady perseverance in measures not proposed for our parliamentary advice, but dictated and forced upon us — in measures, I say, my Lords, which have reduced this late flourishing empire to ruin and contempt? “But yesterday, and England might have stood against the world: now none so poor to do her reverence.” I use the words of a poet; but though it be poetry, it is no fiction. It is a shameful truth that not only the power and strength of this country are wasting away and expiring, but her well-earned glories, her true honour and substantial dignity, are sacrificed.

France, my Lords, has insulted you; she has encouraged and sustained America; and, whether America be wrong or right, the dignity of this country ought to spurn at the officious insult of French interference. The ministers and ambassadors of those who are called rebels and enemies are in Paris; in Paris they transact the reciprocal interests of America and France. Can there be a more mortifying insult? Can even our ministers sustain a more humiliating disgrace? Do they dare to resent it? Do they presume even to hint a vindication of their honour and the dignity of the State, by requiring the dismissal of the plenipotentiaries of America? Such is the degradation to which they have reduced the glories of England! The people whom they affect to call contemptible rebels, but whose growing power has at last obtained the name of enemies; the people with whom they have en-

gaged this country in war, and against whom they now command our implicit support in every measure of desperate hostility — this people, despised as rebels, or acknowledged as enemies, are abetted against you, supplied with every military store, their interests consulted, and their ambassadors entertained, by your inveterate enemy; and our ministers dare not interpose with dignity or effect. Is this the honour of a great kingdom? Is this the indignant spirit of England, who “but yesterday” gave law to the house of Bourbon? My Lords, the dignity of nations demands a decisive conduct in a situation like this. Even when the greatest prince that perhaps this country ever saw filled our throne, the requisition of a Spanish general, on a similar subject, was attended to, and complied with; for, on the spirited remonstrance of the Duke of Alva, Elizabeth found herself obliged to deny the Flemish exiles all countenance, support, or even entrance into her dominions, and the Count Le Marque, with his few desperate followers, was expelled the kingdom. Happening to arrive at the Brille, and finding it weak in defence, they made themselves masters of the place; and this was the foundation of the United Provinces.

My Lords, this ruinous and ignominious situation, where we cannot act with success, nor suffer with honour, calls upon us to remonstrate in the strongest and loudest language of truth, to rescue the ear of Majesty from the delusions which surround it. The desperate state of our arms abroad is in part known. No man thinks more highly of them than I do. I love and honour the English troops. I know their virtues and their valour. I know they

can achieve anything except impossibilities; and I know that the conquest of English America is an impossibility. You cannot, I venture to say it, you cannot conquer America. Your armies last war effected everything that could be effected; and what was it? It cost a numerous army, under the command of a most able general, now a noble lord in this House, a long and laborious campaign to expel five thousand Frenchmen from French America. My Lords, *you cannot conquer America.*

What is your present situation there? We do not know the worst; but we know that in three campaigns we have done nothing and suffered much. Besides the sufferings, perhaps total loss, of the northern force, the best appointed army that ever took the field, commanded by Sir William Howe, has retired from the American lines. He was obliged to relinquish his attempt, and with great delay and danger to adopt a new and distant plan of operations. We shall soon know, and in any event have reason to lament, what may have happened since. As to conquest, therefore, my Lords, I repeat, it is impossible. You may swell every expense and every effort still more extravagantly; pile and accumulate every assistance you can buy or borrow; traffic and barter with every little pitiful German prince that sells and sends his subjects to the shambles of a foreign prince; your efforts are forever vain and impotent—doubly so from this mercenary aid on which you rely; for it irritates to an incurable resentment the minds of your enemies to overrun them with the mercenary sons of rapine and plunder, devoting them and their possessions to the rapacity of hireling cruelty! If I

were an American, as I am an Englishman, while a foreign troop was landed in my country, I never would lay down my arms—never—never—never.

Your own army is infected with the contagion of these illiberal allies. The spirit of plunder and of rapine is gone forth among them. I know it; and, notwithstanding what the noble Earl who moved the Address has given as his opinion of the American army, I know from authentic information and the most experienced officers, that our discipline is deeply wounded. While this is notoriously our sinking situation, America grows and flourishes; while our strength and discipline are lowered, hers are rising and improving.

But, my Lords, who is the man that, in addition to these disgraces and mischiefs of our army, has dared to authorize and associate to our arms the tomahawk and scalping-knife of the savage? to call into civilized alliance the wild and inhuman savage of the woods; to delegate to the merciless Indian the defence of disputed rights, and to wage the horrors of his barbarous war against our brethren? My Lords, these enormities cry aloud for redress and punishment. Unless thoroughly done away, it will be a stain on the national character. It is a violation of the Constitution. I believe it is against law. It is not the least of our national misfortunes that the strength and character of our army are thus impaired. Infected with the mercenary spirit of robbery and rapine, familiarized to the horrid scenes of savage cruelty, it can no longer boast of the noble and generous principles which dignify a soldier; no longer sympathize with the dignity of the royal banner, nor feel the pride, pomp, and circumstance

of glorious war, "that make ambition virtue!" What makes ambition virtue?—the sense of honour. But is the sense of honour consistent with a spirit of plunder or the practice of murder? Can it flow from mercenary motives, or can it prompt to cruel deeds? Besides these murderers and plunderers, let me ask our ministers, what other allies have they acquired? What other powers have they associated to their cause? Have they entered into alliance with the king of the gypsies? Nothing, my Lords, is too low or too ludicrous to be consistent with their counsels.

The independent views of America have been stated and asserted as the foundation of this Address. My Lords, no man wishes for the due dependence of America on this country more than I do. To preserve it, and not confirm that state of independence into which your measures hitherto have driven them, is the object which we ought to unite in attaining. The Americans, contending for their rights against arbitrary exactions, I love and admire. It is the struggle of free and virtuous patriots. But, contending for independency and total disconnection from England, as an Englishman, I cannot wish them success; for in a due constitutional dependency, including the ancient supremacy of this country in regulating their commerce and navigation, consists the mutual happiness and prosperity of both England and America. She derived assistance and protection from us, and we reaped from her the most important advantages. She was, indeed, the fountain of our wealth, the nerve of our strength, the nursery and basis of our naval power. It is our duty, therefore, my Lords,

if we wish to save our country, most seriously to endeavour the recovery of these most beneficial subjects; and in this perilous crisis, perhaps the present moment may be the only one in which we can hope for success; for in their negotiations with France, they have, or think they have, reason to complain. Though it be notorious that they have received from that power important supplies and assistance of various kinds, yet it is certain they expected it in a more decisive and immediate degree. America is in ill-humour with France; on some points they have not entirely answered her expectations. Let us wisely take advantage of every possible moment of reconciliation. Besides, the natural disposition of America herself still leans toward England; to the old habits of connection and mutual interest that united both countries. This *was* the established sentiment of all the continent; and still, my Lords, in the great and principal part, the sound part of America, this wise and affectionate disposition prevails. And there is a very considerable part of America yet sound—the middle and the southern Provinces. Some parts may be factious and blind to their true interests; but if we express a wise and benevolent disposition to communicate with them those immutable rights of nature and those constitutional liberties to which they are equally entitled with ourselves, by a conduct so just and humane we shall confirm the favourable and conciliate the adverse. I say, my Lords, the rights and liberties to which they are equally entitled with ourselves, *but no more*. I would participate to them every enjoyment and freedom which the colonizing subjects of a free state can possess, or

wish to possess; and I do not see why they should not enjoy every fundamental right in their property, and every original substantial liberty, which Devonshire, or Surrey, or the county I live in, or any other county in England, can claim; reserving always, as the sacred right of the mother country, the due constitutional dependency of the colonies. The inherent supremacy of the state in regulating and protecting the navigation and commerce of all her subjects is necessary for the mutual benefit and preservation of every part, to constitute and preserve the prosperous arrangement of the whole empire.

The sound parts of America, of which I have spoken, must be sensible of these great truths and of their real interests. America is not in that state of desperate and contemptible rebellion which this country has been deluded to believe. It is not a wild and lawless banditti, who, having nothing to lose, might hope to snatch something from public convulsions. Many of their leaders and great men have a great stake in this great contest. The gentleman who conducts their armies, I am told, has an estate of four or five thousand pounds a year; and when I consider these things, I cannot but lament the inconsiderate violence of our penal acts, our declarations of treason and rebellion, with all the fatal effects of attainder and confiscation.

As to the disposition of foreign powers, which is asserted to be pacific and friendly, let us judge, my Lords, rather by their actions and the nature of things than by interested assertions. The uniform assistance supplied to America by France suggests a different conclusion. The most important interests of France in aggrandizing and enriching her-

self with what she most wants, supplies of every naval store from America, must inspire her with different sentiments. The extraordinary preparations of the house of Bourbon, by land and by sea, from Dunkirk to the Straits, equally ready and willing to overwhelm these defenceless islands, should rouse us to a sense of their real disposition and our own danger. Not five thousand troops in England! hardly three thousand in Ireland! What can we oppose to the combined force of our enemies? Scarcely twenty ships of the line so fully or sufficiently manned that any admiral's reputation would permit him to take the command of them. The river of Lisbon in the possession of our enemies! The seas swept by American privateers! Our Channel trade torn to pieces by them! In this complicated crisis of danger — weakness at home, and calamity abroad, terrified and insulted by the neighbouring powers, unable to act in America, or acting only to be destroyed — where is the man with the forehead to promise or hope for success in such a situation, or from perseverance in the measures that have driven us to it? Who has the forehead to do so? Where is that man? I should be glad to see his face.

You cannot conciliate America by your present measures. You cannot subdue her by your present or by any measures. What, then, can you do? You cannot conquer; you cannot gain; but you can address — you can lull the fears and anxieties of the moment into an ignorance of the danger that should produce them. But, my Lords, the time demands the language of truth. We must not now apply the flattering unction of servile compliance or blind complaisance. In a just and necessary war

to maintain the rights or honour of my country, I would strip the shirt from my back to support it. But in such a war as this, unjust in its principle, impracticable in its means, and ruinous in its consequences, I would not contribute a single effort nor a single shilling. I do not call for vengeance on the heads of those who have been guilty; I only recommend to them to make their retreat. Let them walk off; and let them make haste, or they may be assured that speedy and condign punishment will overtake them.

My Lords, I have submitted to you, with the freedom and truth which I think my duty, my sentiments on your present awful situation. I have laid before you the ruin of your power, the disgrace of your reputation, the pollution of your discipline, the contamination of your morals, the complication of calamities, foreign and domestic, that overwhelm your sinking country. Your dearest interests, your own liberties, the Constitution itself, totters to the foundation. All this disgraceful danger, this multitude of misery, is the monstrous offspring of this unnatural war. We have been deceived and deluded too long. Let us now stop short. This is the crisis — the only crisis of time and situation — to give us a possibility of escape from the fatal effects of our delusions. But if, in an obstinate and infatuated perseverance in folly, we slavishly echo the peremptory words this day presented to us, nothing can save this devoted country from complete and final ruin. We madly rush into multiplied miseries, and “confusion worse confounded.”

Is it possible, can it be believed, that ministers are yet blind to this impending destruction? I did hope

that instead of this false and empty vanity, this overweening pride, engendering high conceits and presumptuous imaginations, ministers would have humbled themselves in their errors, would have confessed and retracted them, and by an active though a late repentance, have endeavoured to redeem them. But, my Lords, since they had neither sagacity to foresee, nor justice nor humanity to shun these oppressive calamities — since not even severe experience can make them feel, nor the imminent ruin of their country awaken them from their stupefaction, the guardian care of Parliament must interpose. I shall therefore, my Lords, propose to you an amendment of the Address to his Majesty, to be inserted immediately after the two first paragraphs of congratulation on the birth of a princess, to recommend an immediate cessation of hostilities, and the commencement of a treaty to restore peace and liberty to America, strength and happiness to England, security and permanent prosperity to both countries. This, my Lords, is yet in our power; and let not the wisdom and justice of your Lordships neglect the happy, and, perhaps, the only opportunity. By the establishment of irrevocable law founded on mutual rights, and ascertained by treaty, these glorious enjoyments may be firmly perpetuated. And let me repeat to your Lordships that the strong bias of America, at least of the wise and sounder parts of it, naturally inclines to this happy and constitutional reconnection with you. Notwithstanding the temporary intrigues with France, we may still be assured of their ancient and confirmed partiality to us. America and France cannot be congenial. There is something decisive and con-

firmed in the honest American that will not assimilate to the futility and levity of Frenchmen.

My Lords, to encourage and confirm that innate inclination to this country, founded on every principle of affection as well as consideration of interest; to restore that favourable disposition into a permanent and powerful reunion with this country; to revive the mutual strength of the empire; again to awe the house of Bourbon, instead of meanly truckling, as our present calamities compel us, to every insult of French caprice and Spanish punctilio; to reëstablish our commerce; to reassert our rights and our honour; to confirm our interests, and renew our glories forever—a consummation most devoutly to be endeavoured! and which, I trust, may yet arise from reconciliation with America—I have the honour of submitting to you the following amendment, which I move to be inserted after the two first paragraphs of the Address:

“And that this House does most humbly advise and supplicate his Majesty to be pleased to cause the most speedy and effectual measures to be taken for restoring peace in America; and that no time may be lost in proposing an immediate cessation of hostilities there, in order to the opening of a treaty for the final settlement of the tranquillity of these invaluable Provinces, by a removal of the unhappy causes of this ruinous civil war, and by a just and adequate security against the return of the like calamities in times to come. And this House desire to offer the most dutiful assurances to his Majesty that they will, in due time, cheerfully coöperate with the magnanimity and tender goodness of his Majesty for the preservation of his people, by such explicit and most solemn declarations and provisions of fundamental and irrevocable laws, as may be judged necessary for the ascertaining and fixing forever the respective rights of Great Britain and her Colonies.”

[In the course of this debate, Lord Suffolk, secretary for the Northern Department, undertook to defend the employment of the Indians in the war. His Lordship contended that, besides its policy and necessity, the measure was also allowable on principle; for that "it was perfectly justifiable to use all the means that God and nature put into our hands."]

I am astonished [exclaimed Lord Chatham as he rose], shocked to hear such principles confessed — to hear them avowed in this House, or in this country; principles equally unconstitutional, inhuman, and unchristian.

My Lords, I did not intend to encroach again upon your attention, but I cannot repress my indignation. I feel myself impelled by every duty. My Lords, we are called upon as members of this House, as men, as Christian men, to protest against such notions standing near the Throne, polluting the ear of Majesty. "That God and nature put into our hands!" I know not what ideas that lord may entertain of God and nature, but I know that such abominable principles are equally abhorrent to religion and humanity. What! to attribute the sacred sanction of God and nature to the massacres of the Indian scalping-knife — to the cannibal savage torturing, murdering, roasting, and eating — literally, my Lords, eating the mangled victims of his barbarous battles! Such horrible notions shock every precept of religion, divine or natural, and every generous feeling of humanity. And, my Lords, they shock every sentiment of honour; they shock me as a lover of honourable war, and a detester of murderous barbarity.

These abominable principles, and this more abominable avowal of them, demand the most decisive indignation. I call upon that right reverend bench, those holy ministers of the Gospel, and pious pastors of our Church — I conjure them to join in the holy work, and vindicate the religion of their God. I appeal to the wisdom and the law of this learned bench to defend and support the justice of their country. I call upon the bishops to interpose the unsullied sanctity of their lawn; upon the learned judges, to interpose the purity of their ermine, to save us from this pollution. I call upon the honour of your Lordships to reverence the dignity of your ancestors, and to maintain your own. I call upon the spirit and humanity of my country to vindicate the national character. I invoke the genius of the Constitution. From the tapestry that adorns these walls, the immortal ancestor of this noble lord frowns with indignation at the disgrace of his country. In vain he led your victorious fleets against the boasted Armada of Spain; in vain he defended and established the honour, the liberties, the religion — the Protestant religion — of this country, against the arbitrary cruelties of popery and the Inquisition, if these more than popish cruelties and inquisitorial practices are let loose among us — to turn forth into our settlements, among our ancient connections, friends, and relations, the merciless cannibal, thirsting for the blood of man, woman, and child! to send forth the infidel savage — against whom? against your Protestant brethren; to lay waste their country, to desolate their dwellings, and extirpate their race and name with these horrible hell-hounds of savage war — hell-hounds, I say, of

savage war! Spain armed herself with blood-hounds to extirpate the wretched natives of America, and we improve on the inhuman example even of Spanish cruelty; we turn loose these savage hell-hounds against our brethren and countrymen in America, of the same language, laws, liberties, and religion, endeared to us by every tie that should sanctify humanity.

My Lords, this awful subject, so important to our honour, our Constitution, and our religion, demands the most solemn and effectual inquiry; and I again call upon your Lordships, and the united powers of the State, to examine it thoroughly and decisively, and to stamp upon it an indelible stigma of the public abhorrence. And I again implore those holy prelates of our religion to do away these iniquities from among us. Let them perform a lustration; let them purify this House, and this country, from this sin.

My Lords, I am old and weak, and at present unable to say more; but my feelings and indignation were too strong to have said less. I could not have slept this night in my bed, nor reposed my head on my pillow, without giving this vent to my eternal abhorrence of such preposterous and enormous principles.

VII
BURKE



BURKE

EDMUND BURKE stands at the very head of the list of the world's great orators in the matter of elaboration of style, and certainly very near the head as a thinker and statesman. But these splendid talents are combined with defects which suggest the natural deficiencies of Demosthenes. Demosthenes overcame his deficiencies, however, or escaped their penalty; Burke's defects were too deeply ingrained to be overcome, had he indeed realized them. As a moral giant, Burke towers above all his contemporaries; but he failed throughout his life to win the popular sympathy, or even to control the actions of his fellow political leaders. Hence his speeches were not listened to; and after fourteen years of unremitting labour in the prosecution of Warren Hastings, he was obliged to accept that gentleman's acquittal. His talents gave him influence by their sheer magnitude, and his moral energy raised him above the level of even the other great ones of his time; but personal tact, sympathy with the people (such as Chatham had), and an appreciation of practical necessities, are all essential to the immediate success of any orator.

Burke's style is Ciceronian in character; but in elaboration and perfection it is far superior to Cicero. It is eminently rich in thought, in suggestion, and delicate balance, and the eager student will find nothing more stimulating than its broad culture and profound reflectiveness. It is a style to be read again and again, and to be imitated, studied, and absorbed little by little. It needs, however, to be supplemented by the study of others whose touch is light and graceful, whose appeal is sympathetic and tactful. A common audience will quickly weary of this sustained magnificence; but this is the very quality which will live in future time.

Burke, like Macaulay, was essayist as well as orator, and his speeches almost alone among those reported in that age were carefully revised by the author. Indeed, their influence as read has been much greater than their influence as delivered.

Burke's style is at exactly the opposite pole from that of Demosthenes. Both have used the same figure of speech, that of a cloud hanging threateningly. Says Demosthenes, "The people gave their voice, and the danger which hung upon our borders went by like a cloud." Burke elaborates: "Compounding all the materials of fury, havoc, desolation, into one black cloud, he hung for a while on the declivity of the mountains. Whilst the authors of all these evils were idly and stupidly gazing on this menacing meteor, which darkened all their horizon, it suddenly burst, and

poured down the whole of its contents upon the Carnatic." ¹

The speech on American Taxation is one of the earliest of his great speeches. It is not a close argument calculated to win over and convince his audience; there is a total absence of subtle appeal to the audience itself, such as we find in Demosthenes's "On the Crown." The structure cannot be said to be argumentative at all. It is simply a magnificent statement of the facts in the case. The historical order of events takes the place of logical continuity. We value it for the splendid passages scattered here and there, and for the moral energy behind it.

The selections from the speeches on Warren Hastings are declamation at its very height of perfection.

The paragraph describing Marie Antoinette was denounced by Burke's friends as sentimental; but he defended it by saying that he shed tears that wet the paper as he wrote it, that he shed more tears when he read what he had written, and that on rereading the passage in the future he would probably shed tears yet again. Burke did not take the popular side in his discussion of the French Revolution, and even severed his friendship with Fox because they did not agree in their judgment as to what was going on in France. Yet he has given a fine moral dignity to the side of the Royalists in that frightful struggle.

¹ See Appendix II, where Professor Jebb makes this comparison more in detail.

ON AMERICAN TAXATION

SIR,—I agree with the honourable gentleman who spoke last, that this subject is not new in this House. Very disagreeably to this House, very unfortunately to this nation, and to the peace and prosperity of this whole empire, no topic has been more familiar to us. For nine long years, session after session, we have been lashed round and round this miserable circle of occasional arguments and temporary expedients. I am sure our heads must turn, and our stomachs nauseate with them. We have had them in every shape; we have looked at them from every point of view. Invention is exhausted; reason is fatigued; experience has given judgment; but obstinacy is not yet conquered.

The honourable gentleman has made one endeavour more to diversify the form of this disgusting argument. He has thrown out a speech composed almost entirely of challenges. Challenges are serious things; and as he is a man of prudence as well as resolution, I dare say he has very well weighed those challenges before he delivered them. I had long the happiness to sit at the same side of the House, and to agree with the honourable gentleman on all the American questions. My sentiments, I am sure, are well known to him; and I thought I had been perfectly acquainted with his. Though I find myself mistaken, he will still permit me to use the privilege of an old friendship; he will permit me to apply myself to the House under the sanction of his authority, and, on the various grounds he has measured out, to submit to you the poor opinions

which I have formed upon a matter of importance enough to demand the fullest consideration I could bestow upon it.

He has stated to the House two grounds of deliberation; one narrow and simple, and merely confined to the question on your paper; the other more large and more complicated, comprehending the whole series of the parliamentary proceedings with regard to America, their causes, and their consequences. With regard to the latter ground, he states it as useless, and thinks it may be even dangerous, to enter into so extensive a field of inquiry. Yet, to my surprise, he had hardly laid down this restrictive proposition, to which his authority would have given so much weight, when directly, and with the same authority, he condemns it, and declares it absolutely necessary to enter into the most ample historical detail. His zeal has thrown him a little out of his usual accuracy. In this perplexity what shall we do, sir, who are willing to submit to the law he gives us? He has reprobated in one part of his speech the rule he had laid down for debate in the other; and, after narrowing the ground for all those who are to speak after him, he takes an excursion himself, as unbounded as the subject and the extent of his great abilities.

Sir, when I cannot obey all his laws, I will do the best I can. I will endeavour to obey such of them as have the sanction of his example, and to stick to that rule, which, though not consistent with the other, is the most rational. He was certainly in the right when he took the matter largely. I cannot prevail on myself to agree with him in his censure of his own conduct. It is not, he will give me leave

to say, either useless or dangerous. He asserts that retrospect is not wise; and the proper, the only proper, subject of inquiry is not how we got into this difficulty, but how we are to get out of it. In other words, we are, according to him, to consult our invention, and to reject our experience. The mode of deliberation he recommends is diametrically opposite to every rule of reason, and every principle of good sense established amongst mankind. For that sense and that reason I have always understood absolutely to prescribe, whenever we are involved in difficulties from the measures we have pursued, that we should take a strict review of those measures, in order to correct our errors if they should be corrigible; or at least to avoid a dull uniformity in mischief, and the unpitied calamity of being repeatedly caught in the same snare.

Sir, I will freely follow the honourable gentleman in his historical discussion, without the least management for men or measures, further than as they shall seem to me to deserve it. But before I go into that large consideration, because I would omit nothing that can give the House satisfaction, I wish to tread the narrow ground to which alone the honourable gentleman, in one part of his speech, has so strictly confined us.

He desires to know whether, if we were to repeal this tax, agreeably to the proposition of the honourable gentleman who made the motion, the Americans would not take post on this concession, in order to make a new attack on the next body of taxes; and whether they would not call for a repeal of the duty on wine as loudly as they do now for the repeal of the duty on tea. Sir, I can give no security on

this subject. But I will do all that I can, and all that can be fairly demanded. To the experience which the honourable gentleman reprobates in one instant, and reverts to in the next; to that experience, without the least wavering or hesitation on my part, I steadily appeal; and would to God there was no other arbiter to decide on the vote with which the House is to conclude this day!

When Parliament repealed the Stamp Act in the year 1766, I affirm first, that the Americans did not in consequence of this measure call upon you to give up the former parliamentary revenue which subsisted in that country, or even any one of the articles which compose it. I affirm also that when, departing from the maxims of that repeal, you revived the scheme of taxation, and thereby filled the minds of the colonists with new jealousy and all sorts of apprehensions, then it was that they quarrelled with the old taxes as well as the new; then it was, and not till then, that they questioned all the parts of your legislative power; and by the battery of such questions have shaken the solid structure of this empire to its deepest foundations.

Of those two propositions I shall, before I have done, give such convincing, such damning proof, that however the contrary may be whispered in circles, or bawled in newspapers, they never more will dare to raise their voices in this House. I speak with great confidence. I have reason for it. The ministers are with me. They at least are convinced that the repeal of the Stamp Act had not, and that no repeal can have, the consequences which the honourable gentleman who defends their measures is so much alarmed at. To their conduct I refer

him for a conclusive answer to his objection. I carry my proof irresistibly into the very body of both Ministry and Parliament; not on any general reasoning growing out of collateral matter, but on the conduct of the honourable gentleman's ministerial friends on the new revenue itself.

The act of 1767, which grants this tea duty, sets forth in its preamble that it was expedient to raise a revenue in America for the support of the civil government there, as well as for purposes still more extensive. To this support the act assigns six branches of duties. About two years after this act passed, the Ministry, I mean the present Ministry, thought it expedient to repeal five of the duties, and to leave (for reasons best known to themselves) only the sixth standing. Suppose any person, at the time of that repeal, had thus addressed the minister: "Condemning, as you do, the repeal of the Stamp Act, why do you venture to repeal the duties upon glass, paper, and painters' colours? Let your pretence for the repeal be what it will, are you not thoroughly convinced that your concessions will produce, not satisfaction, but insolence in the Americans; and that the giving up these taxes will necessitate the giving up of all the rest?" This objection was as palpable then as it is now; and it was as good for preserving the five duties as for retaining the sixth. Besides, the minister will recollect that the repeal of the Stamp Act had but just preceded his repeal; and the ill policy of that measure (had it been so impolitic as it has been represented), and the mischiefs it produced, were quite recent. Upon the principles, therefore, of the honourable gentleman, upon the principles of the minister himself,

the minister has nothing at all to answer. He stands condemned by himself, and by all his associates, old and new, as a destroyer, in the first trust of finance, of the revenues; and, in the first rank of honour, as a betrayer of the dignity of his country.

Most men, especially great men, do not always know their well-wishers. I come to rescue that noble lord out of the hands of those he calls his friends, and even out of his own. I will do him the justice he is denied at home. He has not been this wicked or imprudent man. He knew that a repeal had no tendency to produce the mischiefs which gave so much alarm to his honourable friend. His work was not bad in its principle, but imperfect in its execution; and the motion on your paper presses him only to complete a proper plan which, by some unfortunate and unaccountable error, he had left unfinished.

I hope, sir, the honourable gentleman who spoke last is thoroughly satisfied, and satisfied out of the proceedings of the Ministry on their own favourite act, that his fears from a repeal are groundless. If he is not, I leave him and the noble lord who sits by him to settle the matter as well as they can together; for, if the repeal of American taxes destroys all our government in America, he is the man; and he is the worst of all the repealers, because he is the last.

But I hear it rung continually in my ears, now and formerly, "The preamble! what will become of the preamble, if you repeal this tax?" I am sorry to be compelled so often to expose the calamities and disgraces of Parliament. The preamble of this law, standing as it now stands, has the lie direct

given to it by the provisionary part of the act; if that can be called provisionary which makes no provision. I should be afraid to express myself in this manner, especially in the face of such a formidable array of ability as is now drawn up before me, composed of the ancient household troops of that side of the House, and the new recruits from this, if the matter were not clear and indisputable. Nothing but truth could give me this firmness; but plain truth and clear evidence can be beat down by no ability. The clerk will be so good as to turn to the act, and to read this favourite preamble:

“Whereas it is expedient that a revenue should be raised in your Majesty’s dominions in America, for making a more certain and adequate provision for defraying the charge of the administration of justice, and support of civil government, in such provinces where it shall be found necessary; and towards further defraying the expenses of defending, protecting, and securing the said dominions.”

You have heard this pompous performance. Now where is the revenue which is to do all these mighty things? Five-sixths repealed, abandoned, sunk, gone, lost for ever. Does the poor solitary tea duty support the purposes of this preamble? Is not the supply there stated as effectually abandoned as if the tea duty had perished in the general wreck? Here, Mr. Speaker, is a precious mockery — a preamble without an act — taxes granted in order to be repealed — and the reasons of the grant still carefully kept up! This is raising a revenue in America! this is preserving dignity in England! If you repeal this tax in compliance with the motion, I readily admit that you lose this fair preamble.

Estimate your loss in it. The object of the act is gone already; and all you suffer is the purging the statute-book of the opprobrium of an empty, absurd, and false recital.

It has been said again and again that the five taxes were repealed on commercial principles. It is so said in the paper in my hand; a paper which I constantly carry about, which I have often used, and shall often use again. What is got by this paltry pretence of commercial principles I know not; for, if your government in America is destroyed by the repeal of taxes, it is of no consequence upon what ideas the repeal is grounded. Repeal this tax too upon commercial principles if you please. These principles will serve as well now as they did formerly. But you know that, either your objection to a repeal from these supposed consequences has no validity, or that this pretence never could remove it. This commercial motive never was believed by any man, either in America — which this letter is meant to soothe — or in England — which it is meant to deceive. It was impossible it should. Because every man, in the least acquainted with the detail of commerce, must know that several of the articles on which the tax was repealed were fitter objects of duties than almost any other articles that could possibly be chosen; without comparison more so than the tea that was left taxed; as infinitely less liable to be eluded by contraband. The tax upon red and white lead was of this nature. You have, in this kingdom, an advantage in lead, that amounts to a monopoly. When you find yourself in this situation of advantage, you sometimes venture to tax even your own export. You did so, soon after the last war, when

upon this principle you ventured to impose a duty on coals. In all the articles of American contraband trade, who ever heard of the smuggling of red lead, and white lead? You might, therefore, well enough, without danger of contraband and without injury to commerce (if this was the whole consideration), have taxed these commodities. The same may be said of glass. Besides, some of the things taxed were so trivial that the loss of the objects themselves and their utter annihilation out of American commerce would have been comparatively as nothing. But is the article of tea such an object in the trade of England as not to be felt, or felt but slightly, like white lead, and red lead, and painters' colours? Tea is an object of far other importance. Tea is perhaps the most important object, taking it with its necessary connections, of any in the mighty circle of our commerce. If commercial principles had been the true motives to the repeal, or had they been at all attended to, tea would have been the last article we should have left taxed for a subject of controversy.

Sir, it is not a pleasant consideration; but nothing in the world can read so awful and so instructive a lesson as the conduct of the Ministry in this business, upon the mischief of not having large and liberal ideas in the management of great affairs. Never have the servants of the State looked at the whole of your complicated interests in one connected view. They have taken things by bits and scraps, some at one time and one pretence, and some at another, just as they pressed, without any sort of regard to their relations or dependencies. They never had any kind of system, right or wrong; but

only invented occasionally some miserable tale for the day, in order meanly to sneak out of difficulties into which they had proudly strutted. And they were put to all these shifts and devices, full of meanness and full of mischief, in order to pilfer piecemeal a repeal of an act which they had not the generous courage, when they found and felt their error, honourably and fairly to disclaim. By such management, by the irresistible operation of feeble counsels, so paltry a sum as threepence in the eyes of a financier, so insignificant an article as tea in the eyes of a philosopher, have shaken the pillars of a commercial empire that circled the whole globe.

Do you forget that in the very last year you stood on the precipice of general bankruptcy? Your danger was indeed great. You were distressed in the affairs of the East India Company; and you well know what sort of things are involved in the comprehensive energy of that significant appellation. I am not called upon to enlarge to you on that danger, which you thought proper yourselves to aggravate, and to display to the world with all the parade of indiscreet declamation. The monopoly of the most lucrative trades, and the possession of imperial revenues, had brought you to the verge of beggary and ruin. Such was your representation—such, in some measure, was your case. The vent of ten millions of pounds of this commodity, now locked up by the operation of an injudicious tax, and rotting in the warehouses of the company, would have prevented all this distress, and all that series of desperate measures which you thought yourselves obliged to take in consequence of it. America would have furnished that vent, which no other part

of the world can furnish but America, where tea is next to a necessary of life, and where the demand grows upon the supply. I hope our dear-bought East India committees have done us at least so much good as to let us know that without a more extensive sale of that article our East India revenues and acquisitions can have no certain connection with this country. It is through the American trade of tea that your East India conquests are to be prevented from crushing you with their burden. They are ponderous indeed, and they must have that great country to lean upon, or they tumble upon your head. It is the same folly that has lost you at once the benefit of the West and of the East. This folly has thrown open folding-doors to contraband, and will be the means of giving the profits of the trade of your colonies to every nation but yourselves. Never did a people suffer so much for the empty words of a preamble. It must be given up. For on what principle does it stand? This famous revenue stands at this hour, on all the debate, as a description of revenue not as yet known in all the comprehensive (but too comprehensive!) vocabulary of finance — a preambulatory tax. It is indeed a tax of sophistry, a tax of pedantry, a tax of disputation, a tax of war and rebellion, a tax for anything but benefit to the imposers or satisfaction to the subject.

Well! but whatever it is, gentlemen will force the colonists to take the teas. You will force them? Has seven years' struggle been yet able to force them? Oh, but it seems "we are in the right; the tax is trifling — in effect it is rather an exoneration than an imposition; three-fourths of the duty for-

merly payable on teas exported to America is taken off ; the place of collection is only shifted ; instead of the retention of a shilling from the drawback here, it is threepence custom in America." All this, sir, is very true. But this is the very folly and mischief of the act. Incredible as it may seem, you know that you have deliberately thrown away a large duty which you held secure and quiet in your hands, for the vain hope of getting one three-fourths less, through every hazard, through certain litigation, and possibly through war.

The manner of proceeding in the duties on paper and glass imposed by the same act was exactly in the same spirit. There are heavy excises on those articles when used in England. On export, these excises are drawn back. But instead of withholding the drawback, — which might have been done with ease, without charge, without possibility of smuggling, — and instead of applying the money (money already in your hands) according to your pleasure, you began your operations in finance by flinging away your revenue ; you allowed the whole drawback on export, and then you charged the duty (which you had before discharged), payable in the colonies, where it was certain the collection would devour it to the bone, if any revenue were ever suffered to be collected at all. One spirit pervades and animates the whole mass.

Could anything be a subject of more just alarm to America than to see you go out of the plain high road of finance and give up your most certain revenues and your clearest interest, merely for the sake of insulting your colonies? No man ever doubted that the commodity of tea could bear an imposition

of threepence. But no commodity will bear three-pence, or will bear a penny, when the general feelings of men are irritated, and two millions of people are resolved not to pay. The feelings of the colonies were formerly the feelings of Great Britain. Theirs were formerly the feelings of Mr. Hampden when called upon for the payment of twenty shillings. Would twenty shillings have ruined Mr. Hampden's fortune? No! but the payment of half twenty shillings, on the principle on which it was demanded, would have made him a slave. It is the weight of that preamble, of which you are so fond, and not the weight of the duty, that the Americans are unable and unwilling to bear.

It is then, sir, upon the principle of this measure, and nothing else, that we are at issue. It is a principle of political expediency. Your act of 1767 asserts that it is expedient to raise a revenue in America; your act of 1769, which takes away that revenue, contradicts the act of 1767; and, by something much stronger than words, asserts that it is not expedient. It is a reflection upon your wisdom to persist in a solemn parliamentary declaration of the expediency of any object for which, at the same time, you make no sort of provision. And pray, sir, let not this circumstance escape you, — it is very material, — that the preamble of this act which we wish to repeal is not declaratory of a right, as some gentlemen seem to argue it; it is only a recital of the expediency of a certain exercise of a right supposed already to have been asserted; an exercise you are now contending for by ways and means which you confess, though they were obeyed, to be utterly insufficient for their purpose. You are

therefore at this moment in the awkward situation of fighting for a phantom; a quiddity; a thing that wants, not only a substance, but even a name; for a thing which is neither abstract right nor profitable enjoyment.

They tell you, sir, that your dignity is tied to it. I know not how it happens, but this dignity of yours is a terrible incumbrance to you; for it has of late been ever at war with your interest, your equity, and every idea of your policy. Show the thing you contend for to be reason; show it to be common sense; show it to be the means of attaining some useful end; and then I am content to allow it what dignity you please. But what dignity is derived from perseverance in absurdity is more than ever I could discern. The honourable gentleman has said well — indeed, in most of his general observations I agree with him — he says that this subject does not stand as it did formerly. Oh, certainly not! every hour you continue on this ill-chosen ground, your difficulties thicken on you; and therefore my conclusion is, remove from a bad position as quickly as you can. The disgrace, and the necessity of yielding, both of them grow upon you every hour of your delay.

But will you repeal the Act, says the honourable gentleman, at this instant when America is in open resistance to your authority, and that you have just revived your system of taxation? He thinks he has driven us into a corner. But thus pent up, I am content to meet him; because I enter the lists supported by my old authority, his new friends, the ministers themselves. The honourable gentleman remembers that about five years ago as great dis-

turbances as the present prevailed in America on account of the new taxes. The ministers represented these disturbances as treasonable; and this House thought proper, on that representation, to make a famous address for a revival, and for a new application of a statute of Henry VIII. We besought the King, in that well-considered address, to inquire into treasons, and to bring the supposed traitors from America to Great Britain for trial. His Majesty was pleased graciously to promise a compliance with our request. All the attempts from this side of the House to resist these violences, and to bring about a repeal, were treated with the utmost scorn. An apprehension of the very consequences now stated by the honourable gentleman, was then given as a reason for shutting the door against all hope of such an alteration. And so strong was the spirit for supporting the new taxes, that the session concluded with the following remarkable declaration. After stating the vigorous measures which had been pursued, the speech from the throne proceeds:

“You have assured me of your firm support in the prosecution of them. Nothing, in my opinion, could be more likely to enable the well-disposed among my subjects in that part of the world, effectually to discourage and defeat the designs of the factious and seditious, than the hearty concurrence of every branch of the legislature, in maintaining the execution of the laws in every part of my dominions.”

After this no man dreamed that a repeal under this ministry could possibly take place. The honourable gentleman knows as well as I that the idea was utterly exploded by those who sway the House.

This speech was made on the ninth day of May, 1769. Five days after this speech, that is, on the thirteenth of the same month, the public circular letter, a part of which I am going to read to you, was written by Lord Hillsborough, Secretary of State for the Colonies. After reciting the substance of the King's speech, he goes on thus:

"I can take upon me to assure you, notwithstanding insinuations to the contrary from men with factious and seditious views, that his Majesty's present administration have at no time entertained a design to propose to Parliament to lay any further taxes upon America for the purpose of raising a revenue; and that it is at present their intention to propose, the next session of Parliament, to take off the duties upon glass, paper, and colours, upon consideration of such duties having been laid on contrary to the true principles of commerce.

"These have always been, and still are, the sentiments of his Majesty's present servants, and by which their conduct in respect to America has been governed. And his Majesty relies upon your prudence and fidelity for such an explanation of his measures as may tend to remove the prejudices which have been excited by the misrepresentations of those who are enemies to the peace and prosperity of Great Britain and her colonies, and to reëstablish that mutual confidence and affection upon which the glory and safety of the British Empire depend."

Here, sir, is a canonical book of ministerial scripture, the general epistle to the Americans. What does the gentleman say to it? Here a repeal is promised, — promised without condition, and while your authority was actually resisted. I pass by the

public promise of a peer relative to the repeal of taxes by this House. I pass by the use of the King's name in a matter of supply, that sacred and reserved right of the Commons. I conceal the ridiculous figure of Parliament hurling its thunders at the gigantic rebellion of America, and then five days after, prostrate at the feet of those assemblies we affected to despise, begging them, by the intervention of our ministerial sureties, to receive our submission, and heartily promising amendment. These might have been serious matters formerly; but we are grown wiser than our fathers. Passing, therefore, from the constitutional consideration to the mere policy, does not this letter imply that the idea of taxing America for the purpose of revenue is an abominable project when the Ministry suppose none but factious men and with seditious views could charge them with it? does not this letter adopt and sanctify the American distinction of taxing for revenue? does it not formally reject all future taxation on that principle? does it not state the ministerial rejection of such principle of taxation, not as the occasional, but the constant opinion of the King's servants? does it not say (I care not how consistently), but does it not say, that their conduct with regard to America has been always governed by this policy? It goes a great deal farther. These excellent and trusty servants of the King, justly fearful lest they themselves should have lost all credit with the world, bring out the image of their gracious sovereign from the inmost and most sacred shrine, and they pawn him as a security for their promises. — "His Majesty relies on your prudence and fidelity for such an explanation of his measures." These sentiments of

the minister, and these measures of his Majesty, can only relate to the principle and practice of taxing for revenue; and accordingly Lord Botecourt, stating it as such, did, with great propriety, and in the exact spirit of his instructions, endeavour to remove the fears of the Virginian assembly, lest the sentiments which it seems (unknown to the world) had always been those of the ministers, and by which their conduct in respect to America had been governed, should by some possible revolution, favourable to wicked American taxers, be hereafter counteracted. He addresses them in this manner:

“It may possibly be objected that, as his Majesty’s present administration are not immortal, their successors may be inclined to attempt to undo what the present ministers shall have attempted to perform; and to that objection I can give but this answer, that it is my firm opinion that the plan I have stated to you will certainly take place, and that it will never be departed from; and so determined am I for ever to abide by it, that I will be content to be declared infamous, if I do not, to the last hour of my life, at all times, in all places, and upon all occasions, exert every power with which I either am, or ever shall be legally invested, in order to obtain and maintain for the continent of America that satisfaction which I have been authorized to promise this day by the confidential servants of our gracious sovereign, who to my certain knowledge rates his honour so high that he would rather part with his crown than preserve it by deceit.”

A glorious and true character! which (since we suffer his ministers with impunity to answer for his ideas of taxation) we ought to make it our business

to enable his Majesty to preserve in all its lustre. Let him have character, since ours is no more! Let some part of government be kept in respect!

This epistle was not the letter of Lord Hillsborough solely, though he held the official pen. It was the letter of the noble lord upon the floor, and of all the King's then ministers, who (with I think the exception of two only) are his ministers at this hour. The very first news that a British Parliament heard of what it was to do with the duties which it had given and granted to the King, was by the publication of the votes of American assemblies. It was in America that your resolutions were pre-declared. It was from thence that we knew to a certainty how much exactly, and not a scruple more nor less, we were to repeal. We were unworthy to be let into the secret of our own conduct. The assemblies had confidential communications from his Majesty's confidential servants. We were nothing but instruments. Do you, after this, wonder, that you have no weight and no respect in the colonies? After this, are you surprised that Parliament is every day and everywhere losing (I feel it with sorrow, I utter it with reluctance) that reverential affection which so endearing a name of authority ought ever to carry with it; that you are obeyed solely from respect to the bayonet; and that this House, the ground and pillar of freedom, is itself held up only by the treacherous under-pinning and clumsy buttresses of arbitrary power?

If this dignity, which is to stand in the place of just policy and common sense, had been consulted, there was a time for preserving it, and for reconciling it with any concession. If in the session of 1768,

that session of idle terror and empty menaces, you had, as you were often pressed to do, repealed these taxes, then your strong operations would have come justified and enforced, in case your concessions had been returned by outrages. But, preposterously, you began with violence; and before terrors could have any effect, either good or bad, your ministers immediately begged pardon, and promised that repeal to the obstinate Americans which they had refused in an easy, good-natured, complying British Parliament. The assemblies, which had been publicly and avowedly dissolved for their contumacy, are called together to receive your submission. Your ministerial directors blustered like tragic tyrants here, and then went mumping with a sore leg in America, canting and whining and complaining of faction, which represented them as friends to a revenue from the colonies. I hope nobody in this House will hereafter have the impudence to defend American taxes in the name of the Ministry. The moment they do, with this letter of attorney in my hand, I will tell them, in the authorized terms, they are wretches, with factious and seditious views, enemies to the peace and prosperity of the mother country and the colonies, and subverters of the mutual affection and confidence on which the glory and safety of the British Empire depend.

After this letter, the question is no more on propriety or dignity. They are gone already, the faith of your sovereign is pledged for the political principle; the general declaration in the letter goes to the whole of it. You must therefore either abandon the scheme of taxing, or you must send the ministers tarred and feathered to America, who dared to hold

out the royal faith, for a renunciation of all taxes for revenue. Then you must punish, or this faith you must preserve; the preservation of this faith is of more consequence than the duties on red lead or white lead, or on broken glass, or atlas-ordinary, or demy-fine, or blue-royal, or bastard, or foolscap, which you have given up; or the threepence on tea, which you retained. The letter went stamped with the public authority of this kingdom. The instructions for the colony government go under no other sanction, and America cannot believe, and will not obey you if you do not preserve this channel of communication sacred. You are now punishing the colonies for acting on distinctions held out by that very Ministry which is here shining in riches, in favour, and in power, and urging the punishment of the very offence to which they had themselves been the tempters.

Sir, if reasons respecting simply your commerce — which is your own convenience — were the sole grounds of the repeal of the five duties, why does Lord Hillsborough, in disclaiming in the name of the King and Ministry their ever having had an intent to tax for revenue, mention it as the means of reëstablishing the confidence and affection of the colonies? Is it a way of soothing others, to assure them that you will take good care of yourself? The medium, the only medium for regaining their affection and confidence is, that you will take off something oppressive to their minds. Sir, the letter strongly enforces that idea, for though the repeal of the taxes is promised on commercial principles, yet the means of counteracting the insinuations of men with factious and seditious views is by a dis-

claimer of the intention of taxing for revenue, as a constant invariable sentiment and rule of conduct in the government of America. . . .

Sir, the honourable gentleman having spoken what he thought necessary upon the narrow part of the subject, I have given him, I hope, a satisfactory answer. He next presses me by a variety of direct challenges and oblique reflections to say something on the historical part. I shall therefore, sir, open myself fully on that important and delicate subject; not for the sake of telling you a long story (which, I know, Mr. Speaker, you are not particularly fond of), but for the sake of the weighty instruction that, I flatter myself, will necessarily result from it. It shall not be longer, if I can help it, than so serious a matter requires.

Permit me then, sir, to lead your attention very far back, — back to the act of navigation; the cornerstone of the policy of this country with regard to its colonies. Sir, that policy was from the beginning purely commercial, and the commercial system was wholly restrictive. It was the system of a monopoly. No trade was let loose from that constraint, but merely to enable the colonists to dispose of what, in the course of your trade, you could not take; or to enable them to dispose of such articles as we forced upon them, and for which, without some degree of liberty, they could not pay. Hence all your specific and detailed enumerations; hence the innumerable checks and counterchecks; hence that infinite variety of paper chains by which you bind together this complicated system of the colonies. This principle of commercial monopoly runs through no less than twenty-nine acts of Parlia-

ment, from the year 1660 to the unfortunate period of 1764.

In all those acts the system of commerce is established, as that from whence alone you proposed to make the colonies contribute (I mean directly and by the operation of your superintending legislative power) to the strength of the empire. I venture to say that during that whole period a parliamentary revenue from thence was never once in contemplation. Accordingly, in all the number of laws passed with regard to the plantations, the words which distinguish revenue laws, specifically as such, were, I think, premeditatedly avoided. I do not say, sir, that a form of words alters the nature of the law, or abridges the power of the lawgiver. It certainly does not. However, titles and formal preambles are not always idle words; and the lawyers frequently argue from them. I state these facts to show, not what was your right, but what has been your settled policy. Our revenue laws have usually a title purporting their being grants; and the words "give and grant" usually precede the enacting parts. Although duties were imposed on America in acts of King Charles the Second, and in acts of King William, no one title of giving "an aid to his Majesty," or any other of the usual titles to revenue acts, was to be found in any of them till 1764; nor were the words "give and grant" in any preamble until the 6th of George the Second. However, the title of this act of George the Second, notwithstanding the words of donation, considers it merely as a regulation of trade, "an act for the better securing of the trade of his Majesty's sugar colonies in America." This act was made on a compromise of all, and at

the express desire of a part, of the colonies themselves. It was therefore in some measure with their consent; and having a title directly purporting only a commercial regulation, and being in truth nothing more, the words were passed by, at a time when no jealousy was entertained, and things were little scrutinized. Even Governor Bernard, in his second printed letter, dated in 1763, gives it as his opinion, "that it was an act of prohibition, not of revenue." This is certainly true, that no act avowedly for the purpose of revenue, and with the ordinary title and recital taken together, is found in the statute book until the year I have mentioned; that is, the year 1764. All before this period stood on commercial regulation and restraint. The scheme of a colony revenue by British authority appeared therefore to the Americans in the light of a great innovation; the words of Governor Bernard's ninth letter, written in November, 1765, state this idea very strongly: "It must," says he, "have been supposed, such an innovation as a parliamentary taxation would cause a great alarm and meet with much opposition in most parts of America; it was quite new to the people, and had no visible bounds set to it." After stating the weakness of government there, he says, "Was this a time to introduce so great a novelty as a parliamentary inland taxation in America?" Whatever the right might have been, this mode of using it was absolutely new in policy and practice.

Sir, they who are friends to the schemes of American revenue say that the commercial restraint is full as hard a law for America to live under. I think so too. I think it, if uncompensated, to be a condition of as rigorous servitude as men can be subject to.

But America bore it from the fundamental act of navigation until 1764. Why? Because men do bear the inevitable constitution of their original nature with all its infirmities. The act of navigation attended the colonies from their infancy, grew with their growth, and strengthened with their strength. They were confirmed in obedience to it, even more by usage than by law. They scarcely had remembered a time when they were not subject to such restraint. Besides, they were indemnified for it by a pecuniary compensation. Their monopolist happened to be one of the richest men in the world. By his immense capital (primarily employed, not for their benefit, but his own) they were enabled to proceed with their fisheries, their agriculture, their ship-building (and their trade too within the limits), in such a manner as got far the start of the slow, languid operations of unassisted nature. This capital was a hotbed to them. Nothing in the history of mankind is like their progress. For my part, I never cast an eye on their flourishing commerce and their cultivated and commodious life, but they seem to me rather ancient nations grown to perfection through a long series of fortunate events and a train of successful industry, accumulating wealth in many centuries, than the colonies of yesterday, than a set of miserable outcasts a few years ago, not so much sent as thrown out, on the bleak and barren shore of a desolate wilderness, three thousand miles from all civilized intercourse.

All this was done by England, whilst England pursued trade and forgot revenue. You not only acquired commerce, but you actually created the very objects of trade in America; and by that crea-

tion you raised the trade of this kingdom at least four-fold. America had the compensation of your capital, which made her bear her servitude. She had another compensation, which you are now going to take away from her. She had, except the commercial restraint, every characteristic mark of a free people in all her internal concerns. She had the image of the British constitution. She had the substance. She was taxed by her own representatives. She chose most of her own magistrates. She paid them all. She had in effect the sole disposal of her own internal government. This whole state of commercial servitude and civil liberty, taken together, is certainly not perfect freedom; but comparing it with the ordinary circumstances of human nature, it was a happy and a liberal condition. . . .

But the grand manœuvre in that business of new regulating the colonies was the 15th act of the fourth of George the Third, which, besides containing several of the matters to which I have just alluded, opened a new principle; and here properly began the second period of the policy of this country with regard to the colonies, by which the scheme of a regular plantation parliamentary revenue was adopted in theory and settled in practice. A revenue not substituted in the place of, but superadded to, a monopoly; which monopoly was enforced at the same time with additional strictness, and the execution put into military hands.

This act, sir, had for the first time the title of granting duties in the colonies and plantations of America, and for the first time it was asserted in the preamble that it was just and necessary that a revenue should be raised. Then came the technical

words of giving and granting, and thus a complete American revenue act was made in all the forms, and with a full avowal of the right, equity, policy, and even necessity of taxing the colonies without any formal consent of theirs. There are contained also in the preamble to that act these very remarkable words — the commons, etc. “being desirous to make some provision in the present session of Parliament towards raising the said revenue.” By these words it appeared to the colonies that this act was but a beginning of sorrows; that every session was to produce something of the same kind, that we were to go on from day to day in charging them with such taxes as we pleased, for such a military force as we should think proper. Had this plan been pursued, it was evident that the provincial assemblies in which the Americans felt all their portion of importance, and beheld their sole image of freedom were *ipso facto* annihilated. This ill prospect before them seemed to be boundless in extent and endless in duration. Sir, they were not mistaken. The ministry valued themselves when this act passed, and when they gave notice of the Stamp Act, that both of the duties came very short of their ideas of American taxation. Great was the applause of this measure here. In England we cried out for new taxes on America, whilst they cried out that they were nearly crushed with those which the war and their own grants had brought upon them.

Sir, it has been said in the debate, that when the first American revenue act (the act in 1764 imposing the port duties) passed, the Americans did not object to the principle. It is true they touched it but very tenderly. It was not a direct attack. They

were, it is true, as yet novices, as yet unaccustomed to direct attacks upon any of the rights of Parliament. The duties were port duties, like those they had been accustomed to bear, with this difference, that the title was not the same, the preamble not the same, and the spirit altogether unlike. But of what service is this observation to the cause of those that make it? It is a full refutation of the pretence for their present cruelty to America; for it shows, out of their own mouths, that our colonies were backward to enter into the present vexatious and ruinous controversy. . . .

Thus are blown away the insect race of courtly falsehoods; thus perish the miserable inventions of the wretched runners for a wretched cause, which they have fly-blown into every weak and rotten part of the country, in vain hopes that when their maggots had taken wing, their importunate buzzing might sound something like the public voice!

Sir, I have troubled you sufficiently with the state of America before the repeal. Now I turn to the honourable gentleman who so stoutly challenges us to tell whether after the repeal the provinces were quiet. This is coming home to the point. Here I meet him directly and answer most readily, they were quiet. And I, in my turn, challenge him to prove when, and where, and by whom, and in what numbers, and with what violence, the other laws of trade, as gentlemen assert, were violated in consequence of your concession; or that even your other revenue laws were attacked. But I quit the vantage ground on which I stand, and where I might leave the burden of the proof upon him; I walk down into the open plain, and undertake to show that they

were not only quiet, but showed many unequivocal marks of acknowledgment and gratitude. And to give him every advantage, I select the obnoxious colony of Massachusetts Bay, which at this time (but without hearing her) is so heavily a culprit before Parliament — I will select their proceedings even under circumstances of no small irritation. For, a little imprudently, I must say, Governor Bernard mixed in the administration of the lenitive of the repeal no small acrimony arising from matters of a separate nature. Yet see, sir, the effect of that lenitive, though mixed with these bitter ingredients; and how this rugged people can express themselves on a measure of concession.

“If it is not in our power,” say they in their address to Governor Bernard, “in so full a manner as will be expected, to show our respectful gratitude to the mother country, or to make a dutiful and affectionate return to the indulgence of the King and Parliament, it shall be no fault of ours; for this we intend, and hope we shall be able fully to effect.”

Would to God that this temper had been cultivated, managed, and set in action! Other effects than those which we have since felt would have resulted from it. On the requisition for compensation to those who had suffered from the violence of the populace, in the same address they say, “The recommendation enjoined by Mr. Secretary Conway’s letter, and in consequence thereof made to us, we will embrace the first convenient opportunity to consider and act upon.” They did consider; they did act upon it. They obeyed the requisition. I know the mode has been chicaned upon; but it was substantially obeyed, and much better obeyed, than I

fear the parliamentary requisition of this session will be, though enforced by all your rigour, and backed with all your power. In a word, the damages of popular fury were compensated by legislative gravity. Almost every other part of America in various ways demonstrated their gratitude. I am bold to say that so sudden a calm recovered after so violent a storm is without parallel in history. To say that no other disturbance should happen from any other cause, is folly. But as far as appearances went, by the judicious sacrifice of one law, you procured an acquiescence in all that remained. After this experience, nobody shall persuade me, when a whole people are concerned, that acts of lenity are not means of conciliation.

I hope the honourable gentleman has received a fair and full answer to his question.

I have done with the third period of your policy, that of your repeal; and the return of your ancient system and your ancient tranquillity and concord. Sir, this period was not as long as it was happy. Another scene was opened, and other actors appeared on the stage. The State, in the condition I have described it, was delivered into the hands of Lord Chatham — a great and celebrated name; a name that keeps the name of this country respectable in every other on the globe. It may be truly called

*Clarum et venerabile nomen
Gentibus, et multum nostræ quod proderat urbi.*

Sir, the venerable age of this great man, his merited rank, his superior eloquence, his splendid qualities, his eminent services, the vast space he fills in the eye of mankind, and, more than all the rest, his

fall from power, — which, like death, canonizes and sanctifies a great character, — will not suffer me to censure any part of his conduct. I am afraid to flatter him; I am sure I am not disposed to blame him. Let those who have betrayed him by their adulation, insult him with their malevolence. But what I do not presume to censure, I may have leave to lament. For a wise man, he seemed to me at that time to be governed too much by general maxims. I speak with the freedom of history, and I hope without offence. One or two of these maxims, flowing from an opinion not the most indulgent to our unhappy species, and surely a little too general, led him into measures that were greatly mischievous to himself, and for that reason among others, perhaps fatal to his country, — measures, the effects of which, I am afraid, are for ever incurable. He made an administration so checkered and speckled; he put together a piece of joinery so crossly indented and whimsically dovetailed, a cabinet so variously inlaid, such a piece of diversified mosaic, such a tessellated pavement without cement, — here a bit of black stone, and there a bit of white, patriots and courtiers, king's friends and republicans, whigs and tories, treacherous friends and open enemies, — that it was indeed a very curious show, but utterly unsafe to touch, and unsure to stand on. The colleagues whom he had assorted at the same boards stared at each other, and were obliged to ask, Sir, your name? — Sir, you have the advantage of me. — Mr. Such-a-one, I beg a thousand pardons. I venture to say, it did so happen that persons had a single office divided between them, who had never spoken to each other in their lives until they found

themselves they knew not how, pigging together heads and points, in the same truckle bed.

Sir, in consequence of this arrangement, having put so much the larger part of his enemies and opposers into power, the confusion was such that his own principles could not possibly have any effect or influence in the conduct of affairs. If ever he fell into a fit of the gout, or if any other cause withdrew him from public cares, principles directly the contrary were sure to predominate. When he had executed his plan, he had not an inch of ground to stand upon. When he had accomplished his scheme of administration, he was no longer a minister.

When his face was hid but for a moment, his whole system was on a wide sea, without chart or compass. The gentlemen, his particular friends, — who with the names of various departments of ministry were admitted to seem as if they acted a part under him, — with a modesty that becomes all men, and with a confidence in him which was justified even in its extravagance by his superior abilities, had never in any instance presumed upon any opinion of their own. Deprived of his guiding influence, they were whirled about, the sport of every gust, and easily driven into any port; and as those who joined with them in manning the vessel were the most directly opposite to his opinions, measures, and character, and far the most artful and powerful of the set, they easily prevailed so as to seize upon the vacant, unoccupied, and derelict minds of his friends; and instantly they turned the vessel wholly out of the course of his policy. As if it were to insult as well as to betray him, even long before the close of the first session of his administration, when

everything was publicly transacted, and with great parade, in his name, they made an act declaring it highly just and expedient to raise a revenue in America. For even then, sir, even before this splendid orb was entirely set, and while the western horizon was in a blaze with his descending glory, on the opposite quarter of the heavens arose another luminary, and, for his hour, became lord of the ascendant.

This light too is passed and set for ever. You understand, to be sure, that I speak of Charles Townshend, officially the reproducer of this fatal scheme, whom I cannot even now remember without some degree of sensibility. In truth, sir, he was the delight and ornament of this House, and the charm of every private society which he honoured with his presence. Perhaps there never arose in this country, nor in any country, a man of a more pointed and finished wit, and (where his passions were not concerned) of a more refined, exquisite, and penetrating judgment. If he had not so great a stock as some have had who flourished formerly, of knowledge long treasured up, he knew better by far than any man I ever was acquainted with how to bring together within a short time all that was necessary to establish, to illustrate, and to decorate that side of the question he supported. He stated his matter skilfully and powerfully. He particularly excelled in a most luminous explanation, and display of his subject. His style of argument was neither trite nor vulgar, nor subtle and abstruse. He hit the House just between wind and water. And not being troubled with too anxious a zeal for any matter in question, he was never more tedious,

or more earnest, than the preconceived opinions and present temper of his hearers required; to whom he was always in perfect unison. He conformed exactly to the temper of the House; and he seemed to guide, because he was always sure to follow it.

I beg pardon, sir, if when I speak of this and of other great men, I appear to digress in saying something of their characters. In this eventful history of the revolutions of America, the characters of such men are of much importance. Great men are the guideposts and landmarks in the state. The credit of such men at court, or in the nation, is the sole cause of all the public measures. It would be an invidious thing (most foreign I trust to what you think my disposition) to remark the errors into which the authority of great names has brought the nation, without doing justice at the same time to the great qualities whence that authority arose. The subject is instructive to those who wish to form themselves on whatever of excellence has gone before them. There are many young members in the House (such of late has been the rapid succession of public men) who never saw that prodigy Charles Townshend, nor of course know what a ferment he was able to excite in everything by the violent ebullition of his mixed virtues and failings. For failings he had undoubtedly — many of us remember them; we are this day considering the effect of them. But he had no failings which were not owing to a noble cause; to an ardent, generous, perhaps an immoderate passion for fame, — a passion which is the instinct of all great souls. He worshipped that goddess wheresoever she appeared; but he paid particular devotion to her in her favourite habi-

tation, in her chosen temple, the House of Commons. Besides the characters of the individuals that compose our body, it is impossible, Mr. Speaker, not to observe that this House has a collective character of its own. That character too, however imperfect, is not unamiable. Like all great public collections of men, you possess a marked love of virtue, and an abhorrence of vice. But among vices, there is none which the House abhors in the same degree with obstinacy. Obstinacy, sir, is certainly a great vice; and in the changeful state of political affairs it is frequently the cause of great mischief. It happens, however, very unfortunately, that almost the whole line of the great and masculine virtues — constancy, gravity, magnanimity, fortitude, fidelity, and firmness — are closely allied to this disagreeable quality, of which you have so just an abhorrence; and in their excess, all these virtues very easily fall into it. He, who paid such a punctilious attention to all your feelings, certainly took care not to shock them by that vice which is the most disgusting to you.

That fear of displeasing those who ought most to be pleased betrayed him sometimes into the other extreme. He had voted, and in the year 1765 had been an advocate, for the Stamp Act. Things and the disposition of men's minds were changed. In short, the Stamp Act began to be no favourite in this House. He therefore attended at the private meeting in which the resolutions moved by a right honourable gentleman were settled, resolutions leading to the repeal. The next day he voted for that repeal, and he would have spoken for it too, if an illness (not as was then given out a political, but to

my knowledge, a very real illness) had not prevented it.

The very next session, as the fashion of this world passeth away, the repeal began to be in as bad an odour in this house as the Stamp Act had been in the session before. To conform to the temper which began to prevail, and to prevail mostly amongst those most in power, he declared, very early in the winter, that a revenue must be had out of America. Instantly he was tied down to his engagements by some who had no objection to such experiments when made at the cost of persons for whom they had no particular regard. The whole body of courtiers drove him onward. They always talked as if the King stood in a sort of humiliated state until something of the kind should be done.

Here this extraordinary man, then Chancellor of the Exchequer, found himself in great straits. To please universally was the object of his life; but to tax and to please, no more than to love and to be wise, is not given to men. However, he attempted it. To render the tax palatable to the partisans of American revenue, he made a preamble stating the necessity of such a revenue. To close with the American distinction, this revenue was external or port duty; but again, to soften it to the other party, it was a duty of supply. To gratify the colonists, it was laid on British manufactures; to satisfy the merchants of Britain, the duty was trivial, and (except that on tea, which touched only the devoted East India Company) on none of the grand objects of commerce. To counterwork the American contraband, the duty on tea was reduced from a shilling to threepence. But to secure the favour of those

who would tax America, the scene of collection was changed, and, with the rest, it was levied in the colonies. What need I say more? This fine-spun scheme had the usual fate of all exquisite policy. But the original plan of the duties, and the mode of executing that plan, both arose singly and solely from a love of our applause. He was truly the child of the House. He never thought, did, or said anything but with a view to you. He every day adapted himself to your disposition, and adjusted himself before it as at a looking-glass.

He had observed (indeed it could not escape him) that several persons, infinitely his inferiors in all respects, had formerly rendered themselves considerable in this House by one method alone. They were a race of men (I hope in God the species is extinct) who, when they rose in their place, no man living could divine, from any known adherence to parties, to opinions, or to principles, from any order or system in their politics, or from any sequel or connection in their ideas, what part they were going to take in any debate. It is astonishing how much this uncertainty, especially at critical times, called the attention of all parties on such men. All eyes were fixed on them, all ears open to hear them; each party gaped and looked alternately for their vote, almost to the end of their speeches. While the House hung in this uncertainty, now the hear-hims rose from this side—now they rebellowed from the other; and that party to whom they fell at length from their tremulous and dancing balance, always received them in a tempest of applause. The fortune of such men was a temptation too great to be resisted by one to whom a single whiff of

incense withheld gave much greater pain than he received delight in the clouds of it, which daily rose about him from the prodigal superstition of innumerable admirers. He was a candidate for contradictory honours; and his great aim was to make those agree in admiration of him who never agreed in anything else.

Hence arose this unfortunate act, the subject of this day's debate, from a disposition which, after making an American revenue to please one, repealed it to please others, and again revived it in hopes of pleasing a third, and of catching something in the ideas of all.

This revenue act of 1767 formed the fourth period of American policy. How we have fared since then — what woful variety of schemes have been adopted; what enforcing, and what repealing; what bullying, and what submitting; what doing, and undoing; what straining, and what relaxing; what assemblies dissolved for not obeying, and called again without obedience; what troops sent out to quell resistance, and on meeting that resistance, recalled; what shiftings, and changes, and jumbings of all kinds of men at home, which left no possibility of order, consistency, vigour, or even so much as a decent unity of colour in any one public measure — it is a tedious, irksome task to detail. My duty may call me to open it some other time; on a former occasion I tried your temper on a part of it; for the present I shall forbear.

After all these changes and agitations, your immediate situation upon the question on your paper is at length brought to this. You have an act of Parliament stating that "it is expedient to raise a

revenue in America." By a partial repeal you annihilated the greatest part of that revenue, which this preamble declares to be so expedient. You have substituted no other in place of it. A secretary of state has disclaimed, in the King's name, all thoughts of such a substitution in future. The principle of this disclaimer goes to what has been left, as well as what has been repealed. The tax which lingers after its companions (under a preamble declaring an American revenue expedient, and for the sole purpose of supporting the theory of that preamble) militates with the assurance authentically conveyed to the colonies, and is an exhaustless source of jealousy and animosity. On this state, which I take to be a fair one, not being able to discern any grounds of honour, advantage, peace, or power, for adhering either to the act or to the preamble, I shall vote for the question which leads to the repeal of both.

If you do not fall in with this motion, then secure something to fight for, consistent in theory and valuable in practice. If you must employ your strength, employ it to uphold you in some honourable right or some profitable wrong. If you are apprehensive that the concession recommended to you, though proper, should be a means of drawing on you further but unreasonable claims, — why, then employ your force in supporting that reasonable concession against those unreasonable demands. You will employ it with more grace, with better effect, and with great probable concurrence of all the quiet and rational people in the provinces, who are now united with, and hurried away by, the violent, having indeed different dispositions, but a common in-

terest. If you apprehend that on a concession you shall be pushed by metaphysical process to the extreme lines, and argued out of your whole authority, my advice is this: when you have recovered your old, your strong, your tenable position, then face about — stop short — do nothing more — reason not at all — oppose the ancient policy and practice of the empire, as a rampart against the speculations of innovators on both sides of the question; and you will stand on great, manly, and sure ground. On this solid basis fix your machines, and they will draw worlds towards you.

Your ministers, in their own and his Majesty's name, have already adopted the American distinction of internal and external duties. It is a distinction, whatever merit it may have, that was originally moved by the Americans themselves; and I think they will acquiesce in it, if they are not pushed with too much logic and too little sense, in all the consequences. That is, if external taxation be understood, as they and you understand it when you please, to be not a distinction of geography, but of policy; that it is a power for regulating trade, and not for supporting establishments. The distinction, which is as nothing with regard to right, is of most weighty consideration in practice. Recover your old ground, and your old tranquillity — try it — I am persuaded the Americans will compromise with you. When confidence is once restored, the odious and suspicious *summum jus* will perish of course. The spirit of practicability, of moderation, and mutual convenience, will never call in geometrical exactness as the arbitrator of an amicable settlement. Consult and follow your experience. Let not the

long story with which I have exercised your patience, prove fruitless to your interests.

For my part, I should choose (if I could have my wish) that the proposition of the honourable gentleman for the repeal could go to America without the attendance of the penal bills. Alone I could almost answer for its success. I cannot be certain of its reception in the bad company it may keep. In such heterogeneous assortments, the most innocent person will lose the effect of his innocency. Though you should send out this angel of peace, yet you are sending out a destroying angel too; and what would be the effect of the conflict of these two adverse spirits, or which would predominate in the end, is what I dare not say: whether the lenient measures would cause American passion to subside, or the severe would increase its fury. All this is in the hand of Providence; yet now, even now, I should confide in the prevailing virtue and efficacious operation of lenity, though working in darkness and in chaos, in the midst of all this unnatural and turbid combination. I should hope it might produce order and beauty in the end.

Let us, sir, embrace some system or other before we end this session. Do you mean to tax America, and to draw a productive revenue from thence? If you do, speak out: name, fix, ascertain this revenue; settle its quantity; define its objects; provide for its collection; and then fight when you have something to fight for. If you murder — rob! If you kill, take possession: and do not appear in the character of madmen, as well as assassins, violent, vindictive, bloody, and tyrannical, without an object. But may better counsels guide you!

Again, and again, revert to your old principles — seek peace and ensue it — leave America, if she has taxable matter in her, to tax herself. I am not here going into the distinctions of rights, nor attempting to mark their boundaries. I do not enter into these metaphysical distinctions; I hate the very sound of them. Leave the Americans as they anciently stood, and these distinctions, born of our unhappy contest, will die along with it. They and we, and their and our ancestors, have been happy under that system. Let the memory of all actions in contradiction to that good old mode, on both sides, be extinguished for ever. Be content to bind America by laws of trade; you have always done it. Let this be your reason for binding their trade. Do not burden them by taxes; you were not used to do so from the beginning. Let this be your reason for not taxing. These are the arguments of states and kingdoms. Leave the rest to the schools; for there only they may be discussed with safety. But if, intemperately, unwisely, fatally, you sophisticate and poison the very source of government, by urging subtle deductions, and consequences odious to those you govern, from the unlimited and illimitable nature of supreme sovereignty, you will teach them by these means to call that sovereignty itself in question. When you drive him hard, the boar will surely turn upon the hunters. If that sovereignty and their freedom cannot be reconciled, which will they take? They will cast your sovereignty in your face. Nobody will be argued into slavery. Sir, let the gentlemen on the other side call forth all their ability; let the best of them get up and tell me what one character of liberty the Americans have, and what one brand of

slavery they are free from, if they are bound in their property and industry by all the restraints you can imagine on commerce, and at the same time are made pack-horses of every tax you choose to impose, without the least share in granting them. When they bear the burdens of unlimited monopoly, will you bring them to bear the burdens of unlimited revenue too? The Englishman in America will feel that this is slavery—that it is legal slavery will be no compensation, either to his feelings or his understanding.

A noble lord who spoke some time ago is full of the fire of ingenuous youth; and when he has modelled the ideas of a lively imagination by further experience, he will be an ornament to his country in either house. He has said that the Americans are our children, and how can they revolt against their parent? He says that if they are not free in their present state, England is not free; because Manchester, and other considerable places, are not represented. So then because some towns in England are not represented, America is to have no representative at all. They are "our children"; but when children ask for bread we are not to give a stone. Is it because the natural resistance of things, and the various mutations of time, hinder our government, or any scheme of government, from being any more than a sort of approximation to the right, is it therefore that the colonies are to recede from it infinitely? When this child of ours wishes to assimilate to its parent, and to reflect with a true filial resemblance the beauteous countenance of British liberty, are we to turn to them the shameful parts of our constitution? are we to give them our weak-

ness for their strength, our opprobrium for their glory; and the slough of slavery, which we are not able to work off, to serve them for their freedom?.

If this be the case, ask yourselves this question. Will they be content in such a state of slavery? If not, look to the consequences. Reflect how you are to govern a people who think they ought to be free, and think they are not. Your scheme yields no revenue; it yields nothing but discontent, disorder, disobedience; and such is the state of America, that after wading up to your eyes in blood, you could only end just where you begun, that is, to tax where no revenue is to be found, to — My voice fails me; my inclination indeed carries me no further — all is confusion beyond it.

Well, sir, I have recovered a little, and before I sit down I must say something to another point with which gentlemen urge us. What is to become of the declaratory act asserting the entireness of British legislative authority, if we abandon the practice of taxation?

For my part I look upon the rights stated in that act exactly in the manner in which I viewed them on its very first proposition, and which I have often taken the liberty, with great humility, to lay before you. I look, I say, on the imperial rights of Great Britain, and the privileges which the colonists ought to enjoy under these rights, to be just the most reconcilable things in the world. The Parliament of Great Britain sits at the head of her extensive empire in two capacities, one as the local legislature of this island, providing for all things at home, immediately, and by no other instrument than the executive power. The other, and I think her nobler

capacity, is what I call her imperial character; in which, as from the throne of heaven, she superintends all the several inferior legislatures, and guides and controls them all without annihilating any. As all these provincial legislatures are only coördinate to each other, they ought all to be subordinate to her; else they can neither preserve mutual peace, nor hope for mutual justice, nor effectually afford mutual assistance. It is necessary to coerce the negligent, to restrain the violent, and to aid the weak and deficient, by the overruling plenitude of her power. She is never to intrude into the place of the others, whilst they are equal to the common ends of their institution. But in order to enable Parliament to answer all these ends of provident and beneficent superintendence, her powers must be boundless. The gentlemen who think the powers of Parliament limited may please themselves to talk of requisitions. But suppose the requisitions are not obeyed? What! Shall there be no reserved power in the empire to supply a deficiency which may weaken, divide, and dissipate the whole? We are engaged in war — the Secretary of State calls upon the colonies to contribute — some would do it, I think most would cheerfully furnish whatever is demanded — one or two, suppose, hang back, and, easing themselves, let the stress of the draft lie on the others — surely it is proper that some authority might legally say, Tax yourselves for the common supply, or Parliament will do it for you. This backwardness was, as I am told, actually the case of Pennsylvania for some short time towards the beginning of the last war, owing to some internal dissensions in the colony. But, whether the fact

were so, or otherwise, the case is equally to be provided for by a competent foreign power. But then this ought to be no ordinary power, nor ever used in the first instance. This is what I meant when I have said at various times that I consider the power of taxing in Parliament as an instrument of empire, and not as a means of supply.

Such, sir, is my idea of the constitution of the British Empire, as distinguished from the constitution of Britain; and on these grounds I think subordination and liberty may be sufficiently reconciled through the whole; whether to serve a refining speculatist or a factious demagogue, I know not, but enough surely for the ease and happiness of man.

Sir, whilst you held this happy course, we drew more from the colonies than all the impotent violence of despotism ever could extort from them. We did this abundantly in the last war. It has never been once denied — and what reason have we to imagine that the colonies would not have proceeded in supplying government as liberally, if you had not stepped in and hindered them from contributing, by interrupting the channel in which their liberality flowed with so strong a course; by attempting to take, instead of being satisfied to receive? Sir William Temple says that Holland has loaded itself with ten times the impositions which it revolted from Spain rather than submit to. He says true. Tyranny is a poor provider; it knows neither how to accumulate nor how to extract.

I charge, therefore, to this new and unfortunate system the loss not only of peace, of union, and of commerce, but even of revenue, which its friends

are contending for. It is morally certain that we have lost at least a million of free grants since the peace. I think we have lost a great deal more; and that those who look for a revenue from the provinces never could have pursued, even in that light, a course more directly repugnant to their purposes.

Now, sir, I trust I have shown, first on that narrow ground which the honourable gentleman measured, that you are likely to lose nothing by complying with the motion, except what you have lost already. I have shown afterwards, that in time of peace you flourished in commerce, and when war required it, had sufficient aid from the colonies, while you pursued your ancient policy; that you threw everything into confusion when you made the Stamp Act; and that you restored everything to peace and order when you repealed it. I have shown that the revival of the system of taxation has produced the very worst effects, and that the partial repeal has produced, not partial good, but universal evil. Let these considerations, founded on facts not one of which can be denied, bring us back to our reason by the road of our experience.

I cannot, as I have said, answer for mixed measures; but surely this mixture of lenity would give the whole a better chance of success. When you once regain confidence, the way will be clear before you. Then you may enforce the act of navigation when it ought to be enforced. You will yourselves open it where it ought still further to be opened. Proceed in what you do, whatever you do, from policy, and not from rancour. Let us act like men, let us act like statesmen. Let us hold some sort of consistent conduct. It is agreed that a revenue is

not to be had in America. If we lose the profit, let us get rid of the odium.

On this business of America, I confess I am serious, even to sadness. I have had but one opinion concerning it since I sat, and before I sat in Parliament. The noble lord will, as usual, probably, attribute the part taken by me and my friends in this business to a desire of getting his places. Let him enjoy this happy and original idea. If I deprived him of it, I should take away most of his wit, and all his argument. But I had rather bear the brunt of all his wit, and indeed blows much heavier, than stand answerable to God for embracing a system that tends to the destruction of some of the very best and fairest of his works. But I know the map of England as well as the noble lord, or as any other person; and I know that the way I take is not the road to preferment. My excellent and honourable friend under me on the floor (Mr. Dowdeswell) has trod that road with great toil for upwards of twenty years together. He is not yet arrived at the noble lord's destination. However, the tracks of my worthy friend are those I have ever wished to follow, because I know they lead to honour. Long may we tread the same road together, whoever may accompany us, or whoever may laugh at us on our journey! I honestly and solemnly declare, I have in all seasons adhered to the system of 1766, for no other reason, than that I think it laid deep in your truest interests — and that, by limiting the exercise, it fixes on the firmest foundations, a real, consistent, well-grounded authority in Parliament. Until you come back to that system, there will be no peace for England.

THE IMPEACHMENT OF WARREN
HASTINGS

(SELECTIONS)

I

[Reply to Hastings's statement that to govern Hindostan properly it was necessary to make use of arbitrary power.]

HASTINGS, the lieutenant of a British monarch, claiming absolute dominion! From whom, in the name of all that was strange, could he derive, or how had he the audacity to claim, such authority? He could not have derived it from the East India Company, for they had it not to confer. He could not have received it from his sovereign, for the sovereign had it not to bestow. It could not have been given by either house of Parliament — for it was unknown to the British constitution. Yet Mr. Hastings, acting under the assumption of this power, had avowed his rejection of British acts of Parliament, had gloried in the success which he pretended to derive from their violation, and had on every occasion attempted to justify the exercise of arbitrary power in its greatest extent. Having thus avowedly acted in opposition to the laws of Great Britain, he sought a shield in vain, in other laws and other usages. Would he appeal to the Mahomedan law for his justification? In the whole Koran there was not a single text which could justify the power he had assumed. Would he appeal to the Gentoo code? Vain there the effort also; a system of stricter justice, or more pure morality, did not exist.

It was therefore equal whether he fled for shelter to a British court of justice or a Gentoo pagoda ; he in either instance stood convicted as a daring violator of the laws. And what, my lords, is opposed to all this practice of tyrants and usurpers, which Mr. Hastings takes for his rule and guidance? He endeavours to find deviations from legal government, and then instructs his counsel to say that I have asserted there is no such thing as arbitrary power in the East. But, my lords, we all know that there has been arbitrary power in India ; that tyrants have usurped it ; and that in some instances princes, otherwise meritorious, have violated the liberties of the people, and have been lawfully deposed for such violation. I do not deny that there are robberies on Hounslow Heath ; that there are such things as forgeries, burglaries, and murders ; but I say that these acts are against law, and whoever commits them commits illegal acts. When a man is to defend himself against a charge of crime, it is not instances of similar violation of law that are to be the standard of his defence. A man may as well say, " I robbed upon Hounslow Heath, but hundreds robbed there before me " : to which I answer, " The law has forbidden you to rob there, and I will hang you for having violated the law, notwithstanding the long list of similar violations which you have produced as precedents." No doubt princes have violated the laws of this country : they have suffered for it. Nobles have violated the law : their privileges have not protected them from punishment. Common people have violated the law : they have hanged for it. I know no human being exempt from the law. The law is a security of the people of England ; it

is the security of the people of India; it is the security of every person that is governed, and of every person that governs. There is but one law for all, namely, that law which governs all law, the law of our Creator, the law of humanity, justice, equity — the law of nature and of nations. So far as any laws fortify this primeval law and give it more precision, more energy, more effect by their declarations, such laws enter into the sanctuary, and participate in the sacredness of its character. But the man who quotes as precedents the abuses of tyrants and robbers pollutes the very fountain of justice, destroys the foundation of all law, and thereby removes the only safeguard against evil men, whether governing or governed — the guard which prevents governors from becoming tyrants, and the governed from becoming rebels.

II

[The following is the harrowing description of the cruelties perpetrated by Debi Sing, one of Hastings's official servants. It is said that several ladies fainted at this part of Burke's oration.]

DEBI SING and his instruments suspected, and in a few cases they suspected justly, that the country people had purloined from their own estates, and had hidden in secret places in the circumjacent deserts some small reserve of their own grain to maintain themselves during the unproductive months of the year, and to leave some hope for a future season. But the under tyrants knew that the demands of Mr. Hastings would admit no plea for delay, much less for subtraction of his bribe, and

that he would not abate a shilling of it to the wants of the whole human race. These hoards, real or supposed, not being discovered by menaces and imprisonment, they fell upon the last resource, the naked bodies of the people. And here, my lords, began such a scene of cruelties and tortures, as I believe no history has ever presented to the indignation of the world; such as I am sure, in the most barbarous ages, no politic tyranny, no fanatic persecution has ever yet exceeded. Mr. Patterson, the commissioner appointed to inquire into the state of the country, makes his own apology and mine for opening this scene of horrors to you in the following words: "That the punishments inflicted upon the ryots both of Rungpore and Dinagepore for non-payment were in many instances of such a nature, that I would rather wish to draw a veil over them than shock your feelings by the detail; but that, however disagreeable the task may be to myself, it is absolutely necessary for the sake of justice, humanity, and the honour of government, that they should be exposed, to be prevented in future."

My lords, they began by winding cords round the fingers of the unhappy freeholders of those provinces until they clung to and were almost incorporated with one another; and then they hammered wedges of iron between them, until, regardless of the cries of the sufferers, they had bruised to pieces and for ever crippled those poor, honest, innocent, laborious hands, which had never been raised to their mouths but with a penurious and scanty proportion of the fruits of their own soil; but those fruits (denied to the wants of their own children) have for more than fifteen years past furnished the

investment for our trade with China, and been sent annually out, and without recompense, to purchase for us that delicate meal with which your lordships, and all this auditory, and all this country have begun every day for these fifteen years, at their expense. To those beneficent hands, that labour for our benefit, the return of the British government has been cords, and wedges. But there is a place where these crippled and disabled hands will act with resistless power. What is it that they will not pull down, when they are lifted to Heaven against their oppressors? Then what can withstand such hands? Can the power that crushed and destroyed them? Powerful in prayer, let us at least deprecate, and thus endeavour to secure ourselves from, the vengeance which these mashed and disabled hands may pull down upon us. My lords, it is an awful consideration. Let us think of it.

But to pursue this melancholy but necessary detail. I am next to open to your lordships what I am hereafter to prove, that the most substantial and leading yeomen, the responsible farmers, the parochial magistrates and chiefs of villages, were tied two and two by the legs together; and their tormentors throwing them with their heads downwards over a bar, beat them on the soles of the feet with ratans, until the nails fell from the toes; and then attacking them at their heads, as they hung downward, as before at their feet, they beat them with sticks and other instruments of blind fury, until the blood gushed out at their eyes, mouths, and noses.

Not thinking that the ordinary whips and cudgels, even so administered, were sufficient, to others (and often also to the same who had suffered as I have

stated) they applied, instead of ratan and bamboo, whips made of the branches of the bale-tree — a tree full of sharp and strong thorns, which tear the skin and lacerate the flesh far worse than ordinary scourges.

For others, exploring with a searching and inquisitive malice, stimulated by an insatiate rapacity, all the devious paths of nature for whatever is most unfriendly to man, they made rods of a plant highly caustic and poisonous, called *bechettea*, every wound of which festers and gangrenes, adds double and treble to the present torture, leaves a crust of leprous sores upon the body, and often ends in the destruction of life itself.

At night these poor innocent sufferers, these martyrs of avarice and extortion, were brought into dungeons; and in the season when nature takes refuge in insensibility from all the miseries and cares which wait on life, they were three times scourged, and made to reckon the watches of the night by periods and intervals of torment. They were then led out in the severe depth of winter — which there at certain seasons would be severe to any, to the Indians is most severe and almost intolerable — they were led out before break of day, and, stiff and sore as they were with the bruises and wounds of the night, were plunged into water; and whilst their jaws clung together with the cold, and their bodies were rendered infinitely more sensible, the blows and stripes were renewed upon their backs; and then delivering them over to soldiers, they were sent into their farms and villages to discover where a few handfuls of grain might be found concealed, or to extract some loan from the rem-

nants of compassion and courage not subdued in those who had reason to fear that their own turn of torment would be next, that they should succeed them in the same punishment, and that their very humanity, being taken as a proof of their wealth, would subject them (as it did in many cases subject them) to the same inhuman tortures. After this circuit of the day through their plundered and ruined villages, they were remanded at night to the same prison; whipped as before at their return to the dungeon, and at morning whipped at their leaving it; and then sent as before to purchase, by begging in the day, the reiteration of the torture in the night. Days of menace, insult, and extortion — nights of bolts, fetters, and flagellation — succeeded to each other in the same round, and for a long time made up all the vicissitudes of life to these miserable people.

But there are persons whose fortitude could bear their own suffering, there are men who are hardened by their very pains; and the mind strengthened even by the torments of the body, rises with a strong defiance against its oppressor. They were assaulted on the side of their sympathy. Children were scourged almost to death in the presence of their parents. This was not enough. The son and father were bound close together, face to face, and body to body, and in that situation cruelly lashed together, so that the blow which escaped the father fell upon the son, and the blow which missed the son wound over the back of the parent. The circumstances were combined by so subtle a cruelty, that every stroke which did not excruciate the sense should wound and lacerate the sentiments and affections of nature.

On the same principle, and for the same ends, virgins who had never seen the sun were dragged from the inmost sanctuaries of their houses. . . . Wives were torn from the arms of their husbands, and suffered the same flagitious wrongs, which were indeed hid in the bottoms of the dungeons, in which their honour and their liberty were buried together. The women thus treated lost their caste. My lords, we are not here to commend or blame the institutions and prejudices of a whole race of people, radicated in them by a long succession of ages, on which no reason or argument, on which no vicissitudes of things, no mixture of men, or foreign conquest have been able to make the smallest impression. The aboriginal Gentoo inhabitants are all dispersed into tribes or castes, each caste born to have an invariable rank, rights, and descriptions of employment; so that one caste can not by any means pass into another. With the Gentoos certain impurities or disgraces, though without any guilt of the party, infer loss of caste; and when the highest caste (that of the Brahmin, which is not only noble but sacred) is lost, the person who loses it does not slide down into one lower but reputable—he is wholly driven from all honest society. All the relations of life are at once dissolved. His parents are no longer his parents, his wife is no longer his wife, his children, no longer his, are no longer to regard him as their father. It is something far worse than complete outlawry, complete attainder, and universal excommunication. It is a pollution even to touch him, and if he touches any of his old caste they are justified in putting him to death. Contagion, leprosy, plague are not so much shunned. No honest

occupation can be followed. He becomes an *Hali-chore*, if (which is rare) he survives that miserable degradation.

Your lordships will not wonder that these monstrous and oppressive demands, exacted with such tortures, threw the whole province into despair. They abandoned their crops on the ground. The people in a body would have fled out of its confines; but bands of soldiers invested the avenues of the province, and making a line of circumvallation, drove back those wretches, who sought exile as a relief, into the prison of their native soil. Not suffered to quit the district, they fled to the many wild thickets which oppression had scattered through it, and sought amongst the jungles and dens of tigers a refuge from the tyranny of Warren Hastings. Not able long to exist here, pressed at once by wild beasts and famine, the same despair drove them back; and seeking their last resource in arms, the most quiet, the most passive, the most timid of the human race rose up in a universal insurrection, and (what will always happen in popular tumults) the effects of the fury of the people fell on the meaner and sometimes the reluctant instruments of the tyranny, who in several places were massacred. The insurrection began in Rungpore, and soon spread its fire to the neighbouring provinces, which had been harassed by the same person with the same oppressions. The English chief in that province had been the silent witness, most probably the abettor and accomplice of all these horrors. He called in first irregular, and then regular troops, who, by dreadful and universal military execution got the better of the impotent resistance of unarmed and un-

disciplined despair. I am tired with the detail of the cruelties of peace. I spare you those of a cruel and inhuman war, and of the executions which, without law or process, or even the shadow of authority, were ordered by the English revenue chief in that province.

III

[The following is the peroration of Burke's speech on this great occasion.]

IN the name of the Commons of England, I charge all this villainy upon Warren Hastings in this last moment of my application to you.

My lords, what is it that we want here to a great act of national justice? Do we want a cause, my lords? You have the cause of oppressed princes, of undone women of the first rank, of desolated provinces, and of wasted kingdoms.

Do you want a criminal, my lords? When was there so much iniquity ever laid to the charge of any one? No, my lords, you must not look to punish any other such delinquent from India. Warren Hastings has not left substance enough in India to nourish such another delinquent.

My lords, is it a prosecutor you want? You have before you the Commons of Great Britain as prosecutors, and I believe, my lords, that the sun in his beneficent progress round the world does not behold a more glorious sight than that of men, separated from a remote people by the material bonds and barriers of nature, united by the bond of a social and moral community — all the Commons of England

resenting as their own the indignities and cruelties that are offered to all the people of India.

Do we want a tribunal? My lords, no example of antiquity, nothing in the modern world, nothing in the range of human imagination, can supply us with a tribunal like this. My lords, here we see virtually in the mind's eye that sacred majesty of the crown, under whose authority you sit, and whose power you exercise. We see in that invisible authority, what we all feel in reality and life, the beneficent powers and protecting justice of his Majesty. We have here the heir-apparent to the crown, such as the fond wishes of the people of England wish an heir-apparent to the crown to be. We have here all the branches of the royal family in a situation between majesty and subjection, between the sovereign and the subject, offering a pledge in that situation for the support of the rights of the crown and the liberties of the people, both which extremities they touch. My lords, we have a great hereditary peerage here — those who have their own honour, the honour of their ancestors and of their posterity to guard, and who will justify, as they always have justified, that provision in the constitution by which justice is made a hereditary office. My lords, we have here a new nobility, who have risen and exalted themselves by various merits, by great military services, which have extended the fame of this country from the rising to the setting sun; we have those who, by various civil merits and various civil talents, have been exalted to a situation which they well deserve, and in which they will justify the favour of their sovereign and the good opinion of their fellow-subjects, and make them rejoice to see those virtu-

ous characters, that were the other day upon a level with them, now exalted above them in rank, but feeling with them in sympathy what they felt in common with them before. We have persons exalted from the practice of the law — from the place in which they administered high though subordinate justice — to a seat here, to enlighten with their knowledge and to strengthen with their votes those principles which have distinguished the courts in which they have presided.

My lords, you have here also the lights of our religion; you have the bishops of England. My lords, you have that true image of the primitive church in its ancient form, in its ancient ordinances, purified from the superstitions and the vices which a long succession of ages will bring upon the best institutions. You have the representatives of that religion which says that their God is love, that the very vital spirit of their institution is charity — a religion which so much hates oppression, that when the God whom we adore appeared in human form, He did not appear in a form of greatness and majesty, but in sympathy with the lowest of the people, and thereby made it a firm and ruling principle that their welfare was the object of all government, since the person who was the master of nature chose to appear Himself in a subordinate situation. These are the considerations which influence them, which animate them, and will animate them, against all oppression, knowing that He who is called first among them and first among us all; both of the flock that is fed and of those who feed it, made Himself the servant of all.

My lords, these are the securities which we have in all the constituent parts of the body of this House.

We know them, we reckon upon them, rest upon them, and commit safely the interests of India and of humanity into your hands. Therefore it is with confidence that, ordered by the Commons,

I impeach Warren Hastings, Esquire, of high crimes and misdemeanours.

I impeach him in the name of all the Commons of Great Britain in Parliament assembled, whose parliamentary trust he has betrayed.

I impeach him in the name of the Commons of Great Britain, whose national character he has dishonoured.

I impeach him in the name of the people of India, whose laws, rights, and liberties he has subverted, whose properties he has destroyed, whose country he has laid waste and desolate.

I impeach him in the name and by virtue of those eternal laws of justice which he has violated.

I impeach him in the name of human nature itself, which he has cruelly outraged, injured, and oppressed in both sexes, in every age, rank, situation, and condition of life.

IV

[In April, 1789, Burke delivered another speech against Hastings, in which he opened the charge of having taken bribes from the native princes. On this occasion the orator spoke for several days.

At the close of the trial Burke spoke for nine days. He ranged over all Hastings's defence, and thus concluded.]

MY lords, I have done; the part of the Commons is concluded. With a trembling solicitude we consign this product of our long, long labours to your charge. Take it! take it! It is a

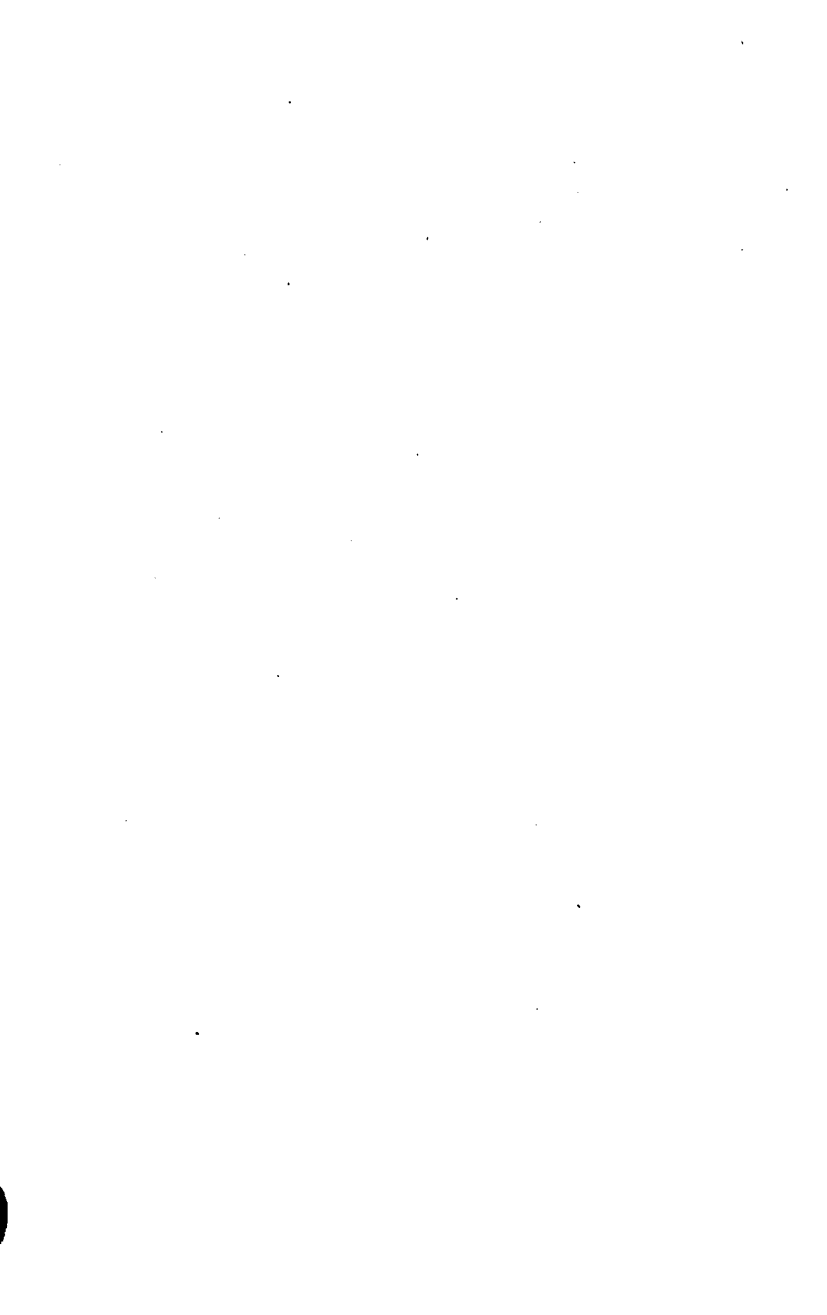
sacred trust. Never before was a cause of such magnitude submitted to any human tribunal. . . . My lords, your House yet stands; it stands as a great edifice; but let me say that it stands in the midst of ruins — in the midst of the ruins that have been made by the greatest moral earthquake that ever convulsed and shattered this globe of ours [the French Revolution]. My lords, it has pleased Providence to place us in such a state, that we appear every moment to be upon the verge of some great mutations. There is one thing, and one thing only, which defies all mutation; — that which existed before the world, and will survive the fabric of the world itself; — I mean justice; that justice which, emanating from the Divinity, has a place in the breast of every one of us, given us for our guide with regard to ourselves and with regard to others, and which will stand, after this globe is burned to ashes, our advocate or our accuser before the great Judge, when He comes to call upon us for the tenor of a well-spent life. . . . My lords, if you must fall, may you so fall! But if you stand, — and stand I trust you will, together with the fortune of this ancient monarchy, together with the ancient laws and liberties of this great and illustrious kingdom, — may you stand as unimpeached in honour as in power; may you stand, not as a substitute for virtue, but as an ornament of virtue, as a security for virtue; may you stand long, and long stand the terror of tyrants; may you stand the refuge of afflicted nations; may you stand a sacred temple for the perpetual residence of an inviolable justice.

“THE AGE OF CHIVALRY IS GONE”

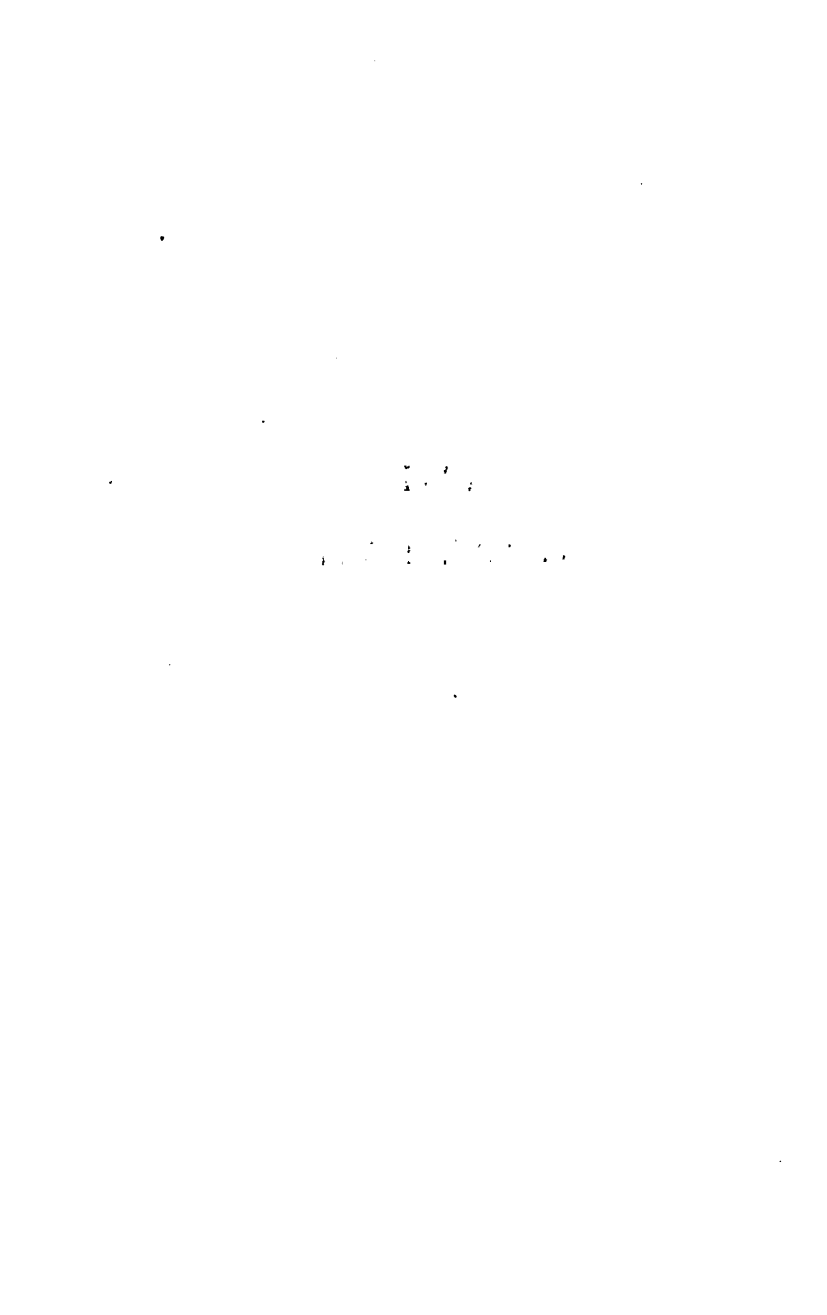
(FROM BURKE'S PAMPHLET ON THE FRENCH
REVOLUTION)

IT is now sixteen or seventeen years since I saw the Queen of France, then the Dauphiness, at Versailles; and surely never lighted on this orb, which she hardly seemed to touch; a more delightful vision. I saw her just above the horizon, decorating and cheering the elevated sphere she just began to move in; glittering, like the morning star, full of life, and splendour, and joy. Oh! what a revolution! and what a heart must I have, to contemplate without emotion that elevation and that fall! Little did I dream when she added titles of veneration to those of enthusiastic, distant, respectful love, that she should ever be obliged to carry the sharp antidote against disgrace concealed in that bosom; little did I dream that I should have lived to see, such disasters fallen upon her in a nation of gallant men, in a nation of men of honour and of cavaliers. I thought ten thousand swords must have leaped from their scabbards to avenge even a look that threatened her with insult. But the age of chivalry is gone. That of sophisters, economists, and calculators, has succeeded; and the glory of Europe is extinguished for ever. Never, never more, shall we behold that generous loyalty to rank and sex, that proud submission, that dignified obedience, that subordination of the heart, which kept alive, even in servitude itself, the spirit of an exalted freedom. The unbought grace of life, the cheap defence of nations,

the nurse of manly sentiment and heroic enterprise is gone! It is gone, that sensibility of principle, that chastity of honour, which felt a stain like a wound, which inspired courage whilst it mitigated ferocity, which ennobled whatever it touched, and under which vice itself lost half its evil, by losing all its grossness.



VIII
GRATTAN



GRATTAN

HENRY GRATTAN was the most polished, the most nobly honest, as well as one of the most patriotic of the famous Irish orators. He modelled his eloquence on Demosthenes and Chatham, training himself in the same painstaking way that the old Greek did. He continually copied the speeches of his models, and recited them in the loneliness of the forest or of his apartments. This persistent training gave his style a grace and perfection that cannot be found in Curran or O'Connell. Like Demosthenes, he lacked wit and humor, and depended chiefly on his fiery energy and graceful turns of expression. Nor was he a great debater, like Fox. His best speeches are his short and fiery ones. He is especially successful in his invective.

Grattan was given a seat in the Irish Parliament, and for some time took a more or less active part in the debates. But it was not until he moved his Declaration of Irish Rights (the right of the Irish Parliament to legislate without having its legislation subject to revision by the English Privy Council or the English Parliament)—in a speech that thrilled the assembly and the Irish

nation with its lofty and eloquent patriotism — that his oratorical leadership was recognized. He made two more important speeches on this subject, and his efforts extended over a period of more than two years before he was supported by a unanimous vote, and secured the assent of the English government to the proposed separation. After Irish freedom was an accomplished fact, the grateful country offered the orator a reward for his services of £100,000; but he consented to accept only half that sum, which was invested in an estate that was settled upon him.

Undoubtedly much of Grattan's power rested on his known moral integrity. Once in his very early days he lost a case for which he had received a special retaining fee, and he was so chagrined that he returned half of the fee to his client.

Much later in life, when he had made an expensive canvass of Dublin for an election to the Imperial Parliament, the Catholics raised a subscription of £4,000 to cover partially the cost of the canvass, but he refused to accept it.

It goes without saying that a man of convictions and principles in Ireland would certainly be attacked, and attacked most violently. One of his antagonists was Corry, then chancellor of the Irish exchequer. Grattan restrained himself as long as he could, but when patience ceased to be a virtue he blazed forth in the withering invective which forms the second selection. It is a model of parliamentary personality. Observe how he

works by insinuation and negatives, — “I will not call him villain, because it would be unparliamentary.”¹ The slight restraint and due observance of forms makes the language all the more biting and terrible.

DECLARATION OF IRISH RIGHTS

[DELIVERED IN THE IRISH PARLIAMENT.]

SIR, I have entreated an attendance on this day, that you might, in the most public manner, deny the claim of the British Parliament to make law for Ireland, and with one voice lift up your hands against it.

If I had lived when the 9th of William took away the woollen manufacture, or when the 6th of George the First declared this country to be dependent, and subject to laws to be enacted by the Parliament of England, I should have made a covenant with my own conscience to seize the first moment of rescuing my country from the ignominy of such acts of power; or, if I had a son, I should have administered to him an oath that he would consider himself a person separate and set apart for the discharge of so important a duty. Upon the same principle am I now come to move a declaration of right, the first moment occurring, since my time, in which such a declaration could be made with any chance of success, and without aggravation of oppression.

Sir, it must appear to every person, that, notwithstanding the import of sugar and export of wool-

¹ This speech was followed by a duel in which Corry was slightly wounded.

lens, the people of this country are not satisfied — something remains; the greater work is behind; the public heart is not well at ease. To promulgate our satisfaction; to stop the throats of millions with the votes of Parliament; to preach homilies to the volunteers; to utter invectives against the people, under pretence of affectionate advice, is an attempt, weak, suspicious, and inflammatory.

You cannot dictate to those whose sense you are intrusted to represent; your ancestors, who sat within these walls, lost to Ireland trade and liberty; you, by the assistance of the people, have recovered trade, you still owe the kingdom liberty; she calls upon you to restore it.

The ground of public discontent seems to be, "We have gotten commerce, but not freedom": the same power which took away the export of woollens and the export of glass, may take them away again; the repeal is partial, and the ground of repeal is upon a principle of expediency.

Sir, expedient is a word of appropriated and tyrannical import; expedient is an ill-omened word, selected to express the reservation of authority, while the exercise is mitigated; expedient is the ill-omened expression of the repeal of the American Stamp Act. England thought it expedient to repeal that law; happy had it been for mankind, if, when she withdrew the exercise, she had not reserved the right! To that reservation she owes the loss of her American empire, at the expense of millions, and America the seeking of liberty through a sea of bloodshed. The repeal of the woollen act, similarly circumstanced, pointed against the principle of our liberty, present relaxation, but tyranny.

in reserve, may be a subject for illumination to a populace, or a pretence for apostasy to a courtier, but cannot be the subject of settled satisfaction to a freeborn, an intelligent, and an injured community. It is therefore they consider the free trade as a trade *de facto*, not *de jure*, a license to trade under the Parliament of England, not a free trade under the charters of Ireland, as a tribute to her strength; to maintain which, she must continue in a state of armed preparation, dreading the approach of a general peace, and attributing all she holds dear to the calamitous condition of the British interest in every quarter of the globe. This dissatisfaction, founded upon a consideration of the liberty we have lost, is increased when they consider the opportunity they are losing; for if this nation, after the death-wound given to her freedom, had fallen on her knees in anguish, and besought the Almighty to frame an occasion in which a weak and injured people might recover their rights, prayer could not have asked; nor God have furnished, a moment more opportune for the restoration of liberty, than this, in which I have the honour to address you.

England now smarts under the lesson of the American war; the doctrine of Imperial legislature she feels to be pernicious; the revenues and monopolies annexed to it she has found to be untenable; she lost the power to enforce it; her enemies are a host, pouring upon her from all quarters of the earth; her armies are dispersed; the sea is not hers; she has no minister, no ally, no admiral, none in whom she long confides, and no general whom she has not disgraced; the balance of her fate is in the hands of Ireland; you are not only her last con-

nection, you are the only nation in Europe that is not her enemy. Besides, there does, of late, a certain damp and spurious supineness overcast her arms and councils, miraculous as that vigour which has lately inspirited yours;—for with you everything is the reverse; never was there a parliament in Ireland so possessed of the confidence of the people; you are the greatest political assembly now sitting in the world; you are at the head of an immense army; nor do we only possess an unconquerable force, but a certain unquenchable public fire, which has touched all ranks of men like a visitation.

Turn to the growth and spring of your country, and behold and admire it; where do you find a nation who, upon whatever concerns the rights of mankind, expresses herself with more truth or force, perspicuity or justice? not the set phrase of scholastic men, not the tame unreality of court addresses, not the vulgar raving of a rabble, but the genuine speech of liberty, and the unsophisticated oratory of a free nation.

See her military ardour, expressed not only in forty thousand men, conducted by instinct as they were raised by inspiration, but manifested in the zeal and promptitude of every young member of the growing community. Let corruption tremble; let the enemy, foreign or domestic, tremble; but let the friends of liberty rejoice at these means of safety and this hour of redemption. Yes; there does exist an enlightened sense of rights; a young appetite for freedom, a solid strength, and a rapid fire, which not only put a declaration of right within your power, but put it out of your power to decline one. Eighteen counties are at your bar; they stand

there with the compact of Henry, with the charter of John, and with all the passions of the people. "Our lives are at your service, but our liberties — we received them from God; we will not resign them to man." Speaking to you thus, if you repulse these petitioners, you abdicate the privileges of Parliament, forfeit the rights of the kingdom, repudiate the instruction of your constituents, bilge the sense of your country, palsy the enthusiasm of the people, and reject that good which not a minister, not a Lord North, not a Lord Buckinghamshire, not a Lord Hillsborough, but a certain providential conjuncture, or rather the hand of God, seems to extend to you. Nor are we only prompted to this when we consider our strength; we are challenged to it when we look to Great Britain. The people of that country are now waiting to hear the Parliament of Ireland speak on the subject of their liberty: it begins to be made a question in England whether the principal persons wish to be free: it was the delicacy of former parliaments to be silent on the subject of commercial restrictions, lest they should show a knowledge of the fact, and not a sense of the violation; you have spoken out, you have shown a knowledge of the fact, and not a sense of the violation. On the contrary, you have returned thanks for a partial repeal made on a principle of power; you have returned thanks as for a favour, and your exultation has brought your charters as well as your spirit into question, and tends to shake to her foundation your title to liberty: thus you do not leave your rights where you found them. You have done too much not to do more; you have gone too far not to go on; you have brought yourselves

into that situation, in which you must silently abdicate the rights of your country, or publicly restore them. It is very true you may feed your manufacturers, and landed gentlemen may get their rents, and you may export woollen, and may load a vessel with baize, serges, and kerseys, and you may bring back again directly from the plantations, sugar, indigo, speckle-wood, beetle-root, and panellas. But liberty, the foundation of trade, the charters of the land, the independency of Parliament, the securing, crowning, and the consummation of everything, are yet to come. Without them the work is imperfect, the foundation is wanting, the capital is wanting, trade is not free, Ireland is a colony without the benefit of a charter, and you are a provincial synod without the privileges of a parliament.

I read Lord North's proposition; I wish to be satisfied; but I am controlled by a paper, I will not call it a law, it is the sixth of George the First. [The paper was read.] I will ask the gentlemen of the long robe, Is this the law? I ask them whether it is not practice? I appeal to the judges of the land, whether they are not in a course of declaring that the Parliament of Great Britain, naming Ireland, binds her? I appeal to the magistrates of justice, whether they do not, from time to time, execute certain acts of the British Parliament? I appeal to the officers of the army, whether they do not fine, confine, and execute their fellow-subjects by virtue of the Mutiny Act, an act of the British Parliament; and I appeal to this House whether a country so circumstanced is free. Where is the freedom of trade? where is the security of property? where is the liberty of the people? I here, in this Declama-

tory Act, see my country proclaimed a slave! I see every man in this House enrolled a slave! I see the judges of the realm, the oracles of the law, borne down by an unauthorized foreign power, by the authority of the British Parliament against the law! I see the magistrates prostrate, and I see Parliament witness of these infringements, and silent (silent or employed to preach moderation to the people, whose liberties it will not restore)! I therefore say, with the voice of three millions of people, that, notwithstanding the import of sugar, beetle-wood, and panellas, and the export of woollens and kerseys, nothing is safe, satisfactory, or honourable, nothing except a declaration of right. What! are you, with three millions of men at your back, with charters in one hand and arms in the other, afraid to say you are a free people? Are you, the greatest House of Commons that ever sat in Ireland, that want but this one act to equal that English House of Commons that passed the Petition of Right, or that other that passed the Declaration of Right, are you afraid to tell that British Parliament you are a free people? Are the cities and the instructing counties, who have breathed a spirit that would have done honour to old Rome when Rome did honour to mankind, are they to be free by connivance? Are the military associations, those bodies whose origin, progress, and deportment have transcended, equalled at least, anything in modern or ancient story, is the vast line of northern army — are they to be free by connivance? What man will settle among you? Where is the use of the Naturalization Bill? What man will settle among you? who will leave a land of liberty and a settled government, for a kingdom

controlled by the Parliament of another country, whose liberty is a thing by stealth, whose trade a thing by permission, whose judges deny her charters, whose Parliament leaves everything at random; where the chance of freedom depends upon the hope that the jury shall despise the judge stating a British act, or a rabble stop the magistrate executing it, rescue your abdicated privileges, and save the constitution by trampling on the government, by anarchy and confusion?

But I shall be told that these are groundless jealousies, and that the principal cities, and more than one half of the counties of the kingdom, are misguided men, raising those groundless jealousies. Sir, let me become, on this occasion, the people's advocate, and your historian; the people of this country were possessed of a code of liberty similar to that of Great Britain, but lost it through the weakness of the kingdom and the pusillanimity of its leaders. Having lost our liberty by the usurpation of the British Parliament, no wonder we became a prey to her ministers; and they did plunder us with all the hands of all the harpies, for a series of years, in every shape of power, terrifying our people with the thunder of Great Britain, and bribing our leaders with the rapine of Ireland. The kingdom became a plantation; her Parliament, deprived of its privileges, fell into contempt; and, with the legislature, the law, the spirit of liberty, with her forms, vanished. If a war broke out, as in 1778, and an occasion occurred to restore liberty and restrain rapine, Parliament declined the opportunity; but, with an active servility and trembling loyalty, gave and granted, without regard to the

treasure we had left, or the rights we had lost. If a partial reparation was made upon a principle of expediency, Parliament did not receive it with the tranquil dignity of an august assembly, but with the alacrity of slaves.

The principal individuals, possessed of great property but no independency, corrupted by their extravagance, or enslaved by their following a species of English factor against an Irish people, more afraid of the people of Ireland than the tyranny of England, proceeded to that excess, that they opposed every proposition to lessen profusion, extend trade, or promote liberty; they did more, they supported a measure which, at one blow, put an end to all trade; they did more, they brought you to a condition which they themselves did unanimously acknowledge a state of impending ruin; they did this, talking as they are now talking, arguing against trade as they now argue against liberty, threatening the people of Ireland with the power of the British nation, and imploring them to rest satisfied with the ruins of their trade, as they now implore them to remain satisfied with the wreck of their constitution.

The people thus admonished, starving in a land of plenty, the victim of two Parliaments, of one that stopped their trade, the other that fed on their constitution, inhabiting a country where industry was forbid, or towns swarming with begging manufacturers, and being obliged to take into their own hands that part of government which consists in protecting the subject, had recourse to two measures, which, in their origin, progress, and consequence, are the most extraordinary to be found in any age or in any country, namely, a commercial

and a military association. The consequence of these measures was instant; the enemy that hung on your shores departed, the Parliament asked for a free trade, and the British nation granted the trade, but withheld the freedom. The people of Ireland are, therefore, not satisfied; they ask for a constitution; they have the authority of the wisest men in this House for what they now demand. What have these walls, for this last century, resounded? The usurpation of the British Parliament, and the interference of the Privy Council. Have we taught the people to complain, and do we now condemn their insatiability, because they desire us to remove such grievances, at a time in which nothing can oppose them, except the very men by whom these grievances were acknowledged?

Sir, we may hope to dazzle with illumination, and we may sicken with addresses, but the public imagination will never rest, nor will her heart be well at ease — never! so long as the Parliament of England exercises or claims a legislation over this country: so long as this shall be the case, that very free trade, otherwise a perpetual attachment, will be the cause of new discontent; it will create a pride to feel the indignity of bondage; it will furnish a strength to bite your chain, and the liberty withheld will poison the good communicated.

The British minister mistakes the Irish character: had he intended to make Ireland a slave, he should have kept her a beggar; there is no middle policy; win her heart by the restoration of her right, or cut off the nation's right hand; greatly emancipate, or fundamentally destroy. We may talk plausibly to England, but so long as she exercises a power to

bind this country, so long are the nations in a state of war; the claims of the one go against the liberty of the other, and the sentiments of the latter go to oppose those claims to the last drop of her blood. The English opposition, therefore, are right; mere trade will not satisfy Ireland — they judge of us by other great nations, by the nation whose political life has been a struggle for liberty; they judge of us with a true knowledge of, and just deference for, our character — that a country enlightened as Ireland, chartered as Ireland, armed as Ireland, and injured as Ireland, will be satisfied with nothing less than liberty.

I admire that public-spirited merchant (Alderman Horan) who spread consternation at the Custom House, and, despising the example which great men afforded, determined to try the question, and tendered for entry what the British Parliament prohibits the subject to export, some articles of silk, and sought at his private risk the liberty of his country. With him I am convinced it is necessary to agitate the question of right. In vain will you endeavour to keep it back, the passion is too natural, the sentiment is too irresistible; the question comes on of its own vitality — you must reinstate the laws.

There is no objection to this resolution, except fears; I have examined your fears; I pronounced them to be frivolous. I might deny that the British nation was attached to the idea of binding Ireland; I might deny that England was a tyrant at heart; and I might call to witness the odium of North and the popularity of Chatham, her support of Holland, her contributions to Corsica, and the charters communicated to Ireland; but ministers have traduced

England to debase Ireland; and politicians, like priests, represent the power they serve as diabolical, to possess with superstitious fears the victim whom they design to plunder. If England is a tyrant, it is you have made her so: it is the slave that makes the tyrant, and then murmurs at the master whom he himself has constituted. I do allow, on the subject of commerce, England was jealous in the extreme; and I do say it was commercial jealousy, it was the spirit of monopoly (the woollen trade and the act of navigation had made her tenacious of a comprehensive legislative authority); and having now ceded that monopoly, there is nothing in the way of your liberty except your own corruption and pusillanimity, and nothing can prevent your being free except yourselves. It is not in the disposition of England; it is not in the interest of England; it is not in her arms. What! can eight millions of Englishmen, opposed to twenty millions of French, to seven millions of Spanish, to three millions of Americans, reject the alliance of three millions in Ireland? Can eight millions of British men, thus outnumbered by foes, take upon their shoulders the expense of an expedition to enslave you? Will Great Britain, a wise and magnanimous country, thus tutored by experience and wasted by war, the French navy riding her Channel, send an army to Ireland, to levy no tax, to enforce no law, to answer no end whatsoever, except to spoliage the charters of Ireland, and enforce a barren oppression? What! has England lost thirteen provinces? has she reconciled herself to this loss, and will she not be reconciled to the liberty of Ireland? Take notice, that the very constitution which I move you to declare, Great Britain

herself offered to America: it is a very instructive proceeding in the British history. In 1778 a commission went out, with powers to cede to the thirteen provinces of America, totally and radically, the legislative authority claimed over her by the British Parliament, and the commissioners, pursuant to their powers, did offer to all, or any, of the American States, the total surrender of the legislative authority of the British Parliament. I will read you their letter to the Congress. [Here the letter was read, surrendering the power as aforesaid.] What! has England offered this to the resistance of America, and will she refuse it to the loyalty of Ireland? Your fears then are nothing but an habitual subjugation of mind; that subjugation of mind which made you, at first, tremble at every great measure of safety; which made the principal men amongst us conceive the commercial association would be a war; that fear which made them imagine the military association had a tendency to treason; which made them think a short money-bill would be a public convulsion; and yet these measures have not only proved to be useful, but are held to be moderate, and the Parliament that adopted them, praised, not for its unanimity only, but for its temper also. You now wonder that you submitted for so many years to the loss of the woollen trade and the deprivation of the glass trade; raised above your former abject state in commerce, you are ashamed at your past pusillanimity; so when you have summoned a boldness which shall assert the liberties of your country — raised by the act, and reinvested, as you will be, in the glory of your ancient rights and privileges, you will be surprised at yourselves, who have so

long submitted to their violation. Moderation is but a relative term; for nations, like men, are only safe in proportion to the spirit they put forth, and the proud contemplation with which they survey themselves. Conceive yourselves a plantation, ridden by an oppressive government, and everything you have done is but a fortunate frenzy: conceive yourselves to be what you are, a great, a growing, and a proud nation, and a declaration of right is no more than the safe exercise of your indubitable authority.

But, though you do not hazard disturbance by agreeing to this resolution, you do most exceedingly hazard tranquillity by rejecting it. Do not imagine that the question will be over when this motion shall be negatived. No; it will recur in a vast variety of shapes and diversity of places. Your constituents have instructed you in great numbers, with a powerful uniformity of sentiment, and in a style not the less awful because full of respect. They will find resources in their own virtue, if they have found none in yours. Public pride and conscious liberty, wounded by repulse, will find ways and means of vindication. You are in that situation in which every man, every hour of the day, may shake the pillars of the State; every court may swarm with the question of right; every quay and wharf with prohibited goods: what shall the Judges, what the Commissioners, do upon this occasion? Shall they comply with the laws of Ireland, and against the claims of England, and stand firm where you have capitulated? Shall they, on the other hand, not comply, and shall they persist to act against the law? Will you punish them if they do so? Will you proceed against them for not showing a spirit superior.

to your own? On the other hand, will you not punish them? Will you leave liberty to be trampled on by those men? Will you bring them and yourselves, all constituted orders, executive power, judicial power, and parliamentary authority, into a state of odium, impotence, and contempt; transferring the task of defending public right into the hands of the populace, and leaving it to the judges to break the laws, and to the people to assert them? Such would be the consequence of false moderation, of irritating timidity, of inflammatory palliatives, of the weak and corrupt hope of compromising with the court, before you have emancipated the country.

I have answered the only semblance of a solid reason against the motion; I will remove some lesser pretences, some minor impediments; for instance, first, that we have a resolution of the same kind already on our Journals, it will be said; but how often was the great charter confirmed? not more frequently than your rights have been violated. Is one solitary resolution, declaratory of your right, sufficient for a country whose history, from the beginning unto the end, has been a course of violation? The fact is, every new breach is a reason for a new repair; every new infringement should be a new declaration; lest charters should be overwhelmed with precedents to their prejudice, a nation's right obliterated, and the people themselves lose the memory of their own freedom.

I shall hear of ingratitude: I name the argument to despise it and the men who make use of it. I know the men who use it are not grateful, they are insatiate; they are public extortioners, who would stop the tide of public prosperity, and turn it to the

channel of their own emolument. I know of no species of gratitude which should prevent my country from being free, no gratitude which should oblige Ireland to be the slave of England. In cases of robbery and usurpation nothing is an object of gratitude except the thing stolen, the charter spoliated. A nation's liberty cannot, like her treasures, be meted and parcelled out in gratitude: no man can be grateful or liberal of his conscience, nor woman of her honour, nor nation of her liberty: there are certain unimpartable, inherent, invaluable properties not to be alienated from the person, whether body politic or body natural. With the same contempt do I treat that charge which says that Ireland is insatiable; saying that Ireland asks nothing but that which Great Britain has robbed her of, her rights and privileges. To say that Ireland will not be satisfied with liberty, because she is not satisfied with slavery, is folly. I laugh at that man who supposes that Ireland will not be content with a free trade and a free constitution; and would any man advise her to be content with less?

I shall be told that we hazard the modification of the law of Poynings, and the Judges' Bill, and the Habeas Corpus Bill, and the Nullum Tempus Bill; but I ask, have you been for years begging for these little things, and have not you yet been able to obtain them? and have you been contending against a little body of eighty men in Privy Council assembled, convoking themselves into the image of a parliament, and ministering your high office? and have you been contending against one man, an humble individual, to you a leviathan — the English Attorney-General — who advises in the case of Irish bills, and exer-

cises legislation in his own person, and makes your parliamentary deliberations a blank, by altering your bills or suppressing them? and have you not yet been able to conquer this little monster? Do you wish to know the reason? I will tell you: Because you have not been a parliament, nor your country a people. Do you wish to know the remedy? — Be a parliament, become a nation, and these things will follow in the train of your consequence. I shall be told that titles are shaken, being vested by force of English acts; but in answer to that, I observe, time may be a title, acquiescence a title, forfeiture a title, but an English act of Parliament certainly cannot: it is an authority which, if a judge would charge, no jury would find, and which all the electors in Ireland have already disclaimed unequivocally, cordially, and universally. Sir, this is a good argument for an act of title, but no argument against a declaration of right. My friend who sits above me (Mr. Yelverton) has a bill of confirmation; we do not come unprepared to Parliament. I am not come to shake property, but to confirm property and restore freedom. The nation begins to form; we are moulding into a people; freedom asserted, property secured, and the army (a mercenary band) likely to be restrained by law. Never was such a revolution accomplished in so short a time, and with such public tranquillity. In what situation would those men who call themselves friends of constitution and of government have left you? They would have left you without a title, as they state it, to your estates, without an assertion of your constitution, or a law for your army; and this state of unexampled private and public insecurity, this anarchy raging in the

kingdom for eighteen months, these mock moderators would have had the presumption to call peace.

I shall be told, that the judges will not be swayed by the resolution of this House. Sir, that the judges will not be borne down by the resolutions of Parliament, not founded in law, I am willing to believe; but the resolutions of this House, founded in law, they will respect most exceedingly. I shall always rejoice at the independent spirit of the distributors of the law, but must lament that hitherto they have given no such symptom. The judges of the British nation, when they adjudicated against the laws of that country, pleaded precedent and the prostration and profligacy of a long tribe of subservient predecessors, and were punished. The judges of Ireland, if they should be called upon, and should plead sad necessity, the thralldom of the times, and above all, the silent fears of Parliament, they, no doubt, will be excused: but when your declarations shall have protected them from their fears; when you shall have emboldened the judges to declare the law according to the charter, I make no doubt they will do their duty; and your resolution, not making a new law, but giving new life to the old ones, will be secretly felt and inwardly acknowledged, and there will not be a judge who will not perceive, to the innermost recess of his tribunal, the truth of your charters and the vigour of your justice.

The same laws, the same charters, communicate to both kingdoms, Great Britain and Ireland, the same rights and privileges; and one privilege above them all is that communicated by Magna Charta, by the 25th of Edward the Third, and by a multitude of other statutes, "not to be bound by any act except

made with the archbishops, bishops, earls, barons, and freemen of the commonalty," namely, of the Parliament of the realm. On this right of exclusive legislation are founded the Petition of Right, Bill of Right, Revolution, and Act of Settlement. The King has no other title to his crown than that which you have to your liberty; both are founded, the throne and your freedom, upon the right vested in the subject to resist by arms, notwithstanding their oaths of allegiance, any authority attempting to impose acts of power as laws, whether that authority be one man or a host, the second James, or the British Parliament.

Every argument for the House of Hanover is equally an argument for the liberties of Ireland: the Act of Settlement is an act of rebellion, or the declaratory statute of the 6th of George the First an act of usurpation; for both cannot be law.

I do not refer to doubtful history, but to living record; to common charters; to the interpretation England has put upon these charters, — an interpretation not made by words only, but crowned by arms; to the revolution she had formed upon them, to the king she has deposed, and to the king she has established; and above all, to the oath of allegiance solemnly plighted to the House of Stuart, and afterwards set aside, in the instance of a grave and moral people absolved by virtue of these very charters.

And as anything less than liberty is inadequate to Ireland, so is it dangerous to Great Britain. We are too near the British nation, we are too conversant with her history, we are too much fired by her example, to be anything less than her equal. Any-

thing less, we should be her bitterest enemies — an enemy to that power which smote us with her mace, and to that constitution from whose blessings we were excluded: to be ground as we have been by the British nation, bound by her Parliament, plundered by her crown, threatened by her enemies, insulted with her protection, while we returned thanks for her condescension, is a system of meanness and misery which has expired in our determination, as I hope it has in her magnanimity.

There is no policy left for Great Britain but to cherish the remains of her empire, and do justice to a country who is determined to do justice to herself, certain that she gives nothing equal to what she received from us when we gave her Ireland.

With regard to this country, England must resort to the free principles of government, and must forgo that legislative power which she has exercised to do mischief to herself; she must go back to freedom, which, as it is the foundation of her constitution, so is it the main pillar of her empire. It is not merely the connection of the crown, it is a constitutional annexation, an alliance of liberty, which is the true meaning and mystery of the sisterhood, and will make both countries one arm and one soul, replenishing from time to time, in their immortal connection, the vital spirit of law and liberty from the lamp of each other's light; thus combined by the ties of common interest, equal trade and equal liberty, the constitution of both countries may become immortal, a new and milder empire may arise from the errors of the old, and the British nation assume once more her natural station — the head of mankind.

That there are precedents against us I allow —

acts of power I would call them, not precedent ; and I answer the English pleading such precedents, as they answered their kings when they urged precedents against the liberty of England : Such things are the weakness of the times ; the tyranny of one side, the feebleness of the other, the law of neither ; we will not be bound by them ; or rather, in the words of the Declaration of Right, “No doing judgment, proceeding, or anywise to the contrary, shall be brought into precedent or example.” Do not then tolerate a power (the power of the British Parliament over this land) which has no foundation in utility or necessity, or empire, or the laws of England, or the laws of Ireland, or the laws of nature, or the laws of God — do not suffer it to have a duration in your mind.

Do not tolerate that power which blasted you for a century, that power which shattered your loom, banished your manufactures, dishonoured your peerage, and stopped the growth of your people ; do not, I say, be bribed by an export of woollen, or an import of sugar, and permit that power which has thus withered the land to remain in your country and have existence in your pusillanimity.

Do not suffer the arrogance of England to imagine a surviving hope in the fears of Ireland ; do not send the people to their own resolves for liberty, passing by the tribunals of justice and the high court of Parliament ; neither imagine that, by any formation of apology, you can palliate such a commission to your hearts, still less to your children, who will sting you with their curses in your grave for having interposed between them and their Maker, robbing them of an immense occasion, and

losing an opportunity which you did not create and can never restore.

Hereafter, when these things shall be history, your age of thralldom and poverty, your sudden resurrection, commercial redress, and miraculous armament, shall the historian stop at liberty, and observe — that here the principal men among us fell into mimic trances of gratitude — they were awed by a weak ministry, and bribed by an empty treasury — and when liberty was within their grasp, and the temple opened her folding doors, and the arms of the people clanged, and the zeal of the nation urged and encouraged them on, that they fell down, and were prostituted at the threshold.

I might, as a constituent, come to your bar, and demand my liberty. I do call upon you, by the laws of the land and their violation, by the instruction of eighteen counties, by the arms, inspiration, and providence of the present moment, tell us the rule by which we shall go; assert the law of Ireland; declare the liberty of the land!

I will not be answered by a public lie, in the shape of an amendment; neither, speaking for the subjects' freedom, am I to hear of faction. I wish for nothing but to breathe, in this our island, in common with my fellow-subjects, the air of liberty. I have no ambition, unless it be the ambition to break your chain, and contemplate your glory. I never will be satisfied so long as the meanest cottager in Ireland has a link of the British chain clanking to his rags: he may be naked, he shall not be in iron; and I do see the time is at hand, the spirit is gone forth, the declaration is planted; and though great men should apostatize, yet the cause will live; and though the

public speaker should die, yet the immortal fire shall outlast the organ which conveyed it, and the breath of liberty, like the word of the holy man, will not die with the prophet, but survive him.

I shall move you, "That the King's most excellent Majesty, and the Lords and Commons of Ireland, are the only power competent to make laws to bind Ireland."

INVECTIVE AGAINST CORRY

(FEBRUARY 14, 1800)

HAS the gentleman done? Has he completely done? He was unparliamentary from the beginning to the end of his speech. There was scarce a word he uttered that was not a violation of the privileges of the House; but I did not call him to order — why? Because the limited talents of some men render it impossible for them to be severe without being unparliamentary. But before I sit down I shall show him how to be severe and parliamentary at the same time. On any other occasion I should think myself justifiable in treating with silent contempt anything which might fall from that honourable member; but there are times when the insignificance of the accuser is lost in the magnitude of the accusation. I know the difficulty the honourable gentleman laboured under when he attacked me, conscious that, on a comparative view of our characters, public and private, there is nothing he could say which would injure me. The public would not believe the charge. I despise the

falsehood. If such a charge were made by an honest man, I would answer it in the manner I shall do before I sit down. But I shall first reply to it when not made by an honest man.

The right honourable gentleman has called me "an unimpeached traitor." I ask, why not "traitor," unqualified by any epithet? I will tell him; it was because he dare not. It was the act of a coward, who raises his arm to strike, but has not courage to give the blow. I will not call him villain, because it would be unparliamentary, and he is a Privy Councillor. I will not call him fool, because he happens to be Chancellor of the Exchequer. But I say he is one who has abused the privilege of Parliament and freedom of debate to the uttering language, which, if spoken out of the House, I should answer only with a blow. I care not how high his situation, how low his character, how contemptible his speech; whether a Privy Councillor or a parasite, my answer would be a blow. He has charged me with being connected with the rebels: the charge is utterly, totally, and meanly false. Does the honourable gentleman rely on the report of the House of Lords for the foundation of his assertion? If he does, I can prove to the committee there was a physical impossibility of that report being true. But I scorn to answer any man for my conduct, whether he be a political coxcomb, or whether he brought himself into power by a false glare of courage or not. I scorn to answer any wizard of the Castle throwing himself into fantastical airs. But if an honourable and independent man were to make a charge against me, I would say: "You charge me with having an intercourse with the rebels, and you

found your charge upon what is said to have appeared before a committee of the Lords. Sir, the report of that committee is totally and egregiously irregular." I will read a letter from Mr. Nelson, who had been examined before that committee; it states that what the report represents him as having spoken, is *not what he said*. [Mr. Grattan here read a letter from Mr. Nelson, denying that he had any connection with Mr. Grattan as charged in the report; and concluding by saying, "*Never was misrepresentation more vile than that put into my mouth by the report.*"]

From the situation that I held, and from the connections I had in the city of Dublin, it was necessary for me to hold intercourse with various descriptions of persons. The right honourable member might as well have been charged with a participation in the guilt of those traitors; for he had communicated with some of those very persons on the subject of parliamentary reform. The Irish government, too, were in communication with some of them.

The right honourable member has told me I deserted a profession where wealth and station were the reward of industry and talent. If I mistake not, that gentleman endeavoured to obtain those rewards by the same means; but he soon deserted the occupation of a barrister for those of a parasite and pander. He fled from the labour of study to flatter at the table of the great. He found the lord's parlour a better sphere for his exertions than the hall of the Four Courts; the house of a great man a more convenient way to power and to place; and that it was easier for a statesman of middling talents

to sell his friends, than for a lawyer of no talents to sell his clients.

For myself, whatever corporate or other bodies have said or done to me, I from the bottom of my heart forgive them. I feel I have done too much for my country to be vexed at them. I would rather that they should not feel or acknowledge what I have done for them, and call me traitor, than have reason to say I sold them. I will always defend myself against the assassin; but with large bodies it is different. To the people I will bow: they may be my enemy — I never shall be theirs.

At the emancipation of Ireland, in 1782, I took a leading part in the foundation of that constitution which is now endeavoured to be destroyed. Of that constitution I was the author; in that constitution I glory; and for it the honourable gentleman should bestow praise, not invent calumny. Notwithstanding my weak state of body, I come to give my last testimony against this Union, so fatal to the liberties and interests of my country. I come to make common cause with these honourable and virtuous gentlemen around me; to try and save the constitution; or if not save the constitution, at least to save our characters, and remove from our graves the foul disgrace of standing apart while a deadly blow is aimed at the independence of our country.

The right honourable gentleman says I fled from the country after exciting rebellion, and that I have returned to raise another. No such thing. The charge is false. The civil war had not commenced when I left the kingdom; and I could not have returned without taking a part. On the one side there was the camp of the rebel; on the other, the camp

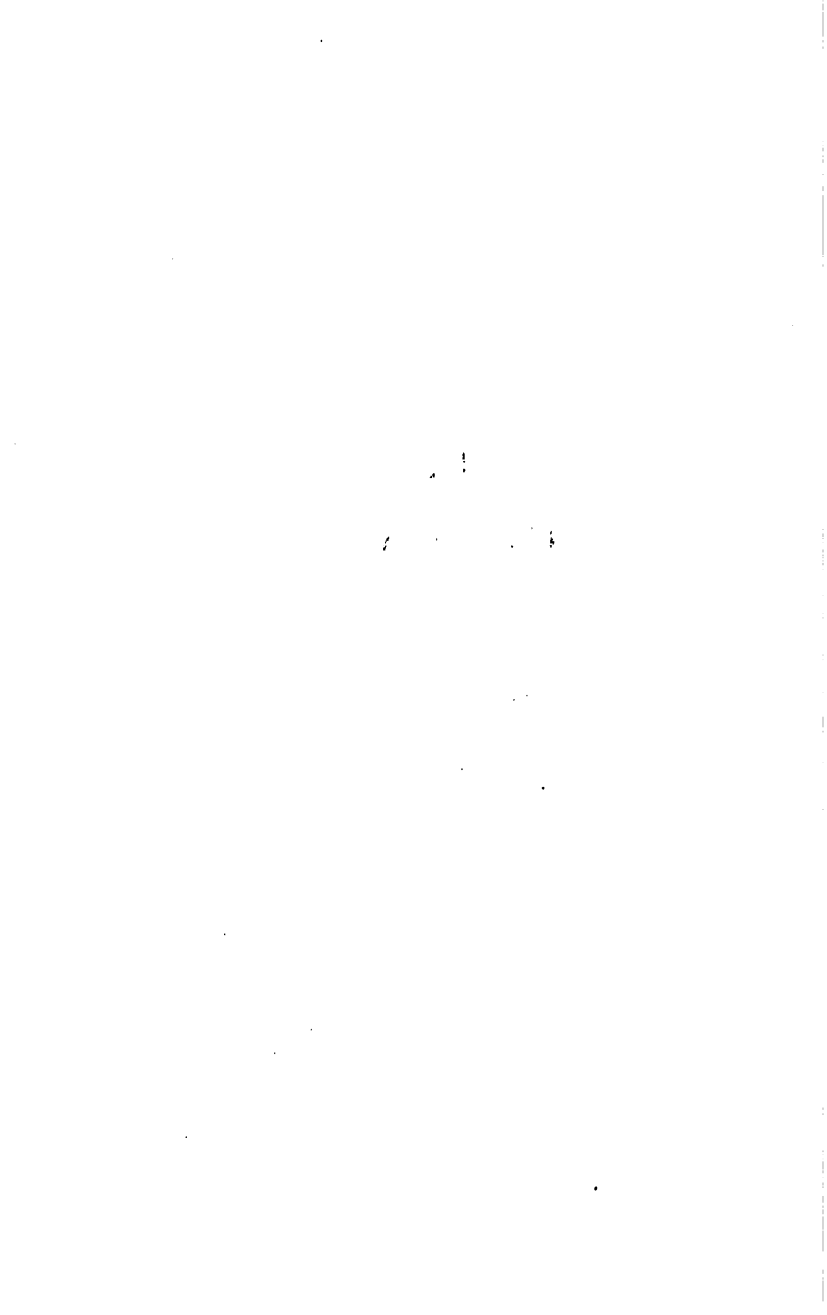
of the minister, a greater traitor than that rebel. The stronghold of the constitution was nowhere to be found. I agree that the rebel who rises against the government should have suffered; but I missed on the scaffold the right honourable gentleman. Two desperate parties were in arms against the constitution. The right honourable gentleman belonged to one of those parties, and deserved death. I could not join the rebel—I could not join the government—I could not join torture—I could not join half-hanging—I could not join free quarter—I could take part with neither. I was therefore absent from a scene where I could not be active without self-reproach, nor indifferent with safety.

Many honourable gentlemen thought differently from me: I respect their opinions, but I keep my own; and I think now, as I thought then, *that the treason of the minister against the liberties of the people was infinitely worse than the rebellion of the people against the minister.*

I have returned, not as the right honourable member has said, to raise another storm—I have returned to discharge an honourable debt of gratitude to my country, that conferred a great reward for past services, which, I am proud to say, was not greater than my desert. I have returned to protect that constitution, of which I was the parent and the founder, from the assassination of such men as the honourable gentleman and his unworthy associates. They are corrupt—they are seditious—and they, at this very moment, are in a conspiracy against their country. I have returned to refute a libel, as false as it is malicious, given to the public under the appellation of a report of the committee of the Lords.

Here I stand ready for impeachment or trial: I dare accusation. I defy the honourable gentleman; I defy the government; I defy their whole phalanx: let them come forth. I tell the ministers I will neither give them quarter nor take it. I am here to lay the shattered remains of my constitution on the floor of this House in defence of the liberties of my country.

IX
CURRAN



CURRAN

IF Grattan was the great parliamentary orator of the Irish House of Commons, John Philpot Curran was undoubtedly first of the Irish jury-pleaders. Small of stature, with a shrill voice, he had nothing about him to impress or command; but he understood human nature, and knew how to appeal to human passions. In addressing himself subtly and artfully to his audience, — the jury, — in playing upon their emotions, in appealing to their prejudices, and in compelling them by his words to do the thing he wished, he is probably to be compared only to Demosthenes.

Unfortunately Curran did not have the breadth of mind or culture which the old Greek possessed. He exerted himself to overcome his shrillness of voice and his nervous shyness; but in broad culture he was lacking. We see it in every line of every speech. He could not prepare a speech successfully in advance of delivery, and that very fact indicates his lack of command of those fine elements of rhetorical perfection which complete preparedness brings.

Curran came of a respectable family, and was educated at Trinity College, Dublin. He studied

at the Temple, in London, and began to practise at the Irish bar. His first success was in defending a priest against the libellous assault of a noble lord. He sealed his popularity by fighting a duel with a friend and follower of the lord; and thereafter had all that he could do, earning large sums of money.

His reputation to-day rests largely on his series of defences of the victims of government prosecutions in Ireland from 1794 to 1803. He secured the acquittal of the publisher of the *Northern Star*, who was charged with libel; and in the speech here given defended Finnerty, the publisher of *The Press*. Owing to the character of the judge and jury he was not successful in securing the release of his client; but the peculiar difficulties in the way probably caused him to make a more brilliant effort. The case was this: William Orr had been tried for administering the "United Irishmen's" oath, and found guilty by a jury alleged to have been made drunk and intimidated. *The Press* virulently attacked the government in consequence, and especially in a letter written by Deane Swift (a grandson of Swift's biographer). Thereupon the publisher of *The Press* was prosecuted for seditious libel. Five other counsel besides Curran were employed in the case.

"THE PRESS"

NEVER did I feel myself so sunk under the importance of any cause. To speak to a question of this kind, at any time, would require the greatest talent and the most mature deliberation; but to be obliged, without either of those advantages, to speak to a subject that has so deeply shaken the feelings of this already irritated and agitated nation is a task that fills me with embarrassment and dismay.

Neither my learned colleague nor myself received any instruction or license until after the jury were actually sworn, and we both of us came here under an idea that we should not take any part in the trial. This circumstance I mention, not as an idle apology for an effort that cannot be the subject of either praise or censure, but as a call upon you, gentlemen of the jury, to supply the defects of my efforts, by a double exertion of your attention.

Perhaps I ought to regret that I cannot begin with any compliments that may recommend me or my client personally to your favour. A more artful advocate would probably begin his address to you by compliments on your patriotism, and by felicitating his client upon the happy selection of his jury, and upon that unsuspected impartiality in which, if he was innocent, he must be safe. You must be conscious, gentlemen, that such idle verbiage as that could not convey either my sentiments or my client's upon that subject. You know, and we know, upon what occasion you are come, and by whom you have been chosen; you are come to try an accusation pro-

fessedly brought forward by the State, chosen by a sheriff who is appointed by our accuser.

[The Attorney-General, interrupting Mr. Curran, said the sheriff was elected by the city, and that the observation was therefore unfounded.]

Be it so [continued Mr. Curran]: I will not now stop to inquire whose property the city may be considered to be: but the learned gentleman seems to forget that the election by that city, to whomsoever it may belong, is absolutely void without the approbation of that very Lord Lieutenant who is the prosecutor in this case. I do therefore repeat, gentlemen, that not a man of you has been called to that box by the voice of my client; that he has had no power to object to a single man among you, though the Crown has; and that you yourselves must feel under what influence you are chosen, or for what qualifications you are particularly selected. At a moment when this wretched land is shaken to its centre by the dreadful conflicts of the different branches of the community; between those who call themselves the partisans of liberty, and those who call themselves the partisans of power; between the advocates of infliction and the advocates of suffering; upon such a question as the present, and at such a season, can any man be at a loss to guess to what class of character and opinion a friend to either party would resort for that jury which was to decide between both? I trust, gentlemen, you know me too well to suppose that I could be capable of treating you with any personal disrespect; I am speaking to you in the honest confidence of your fellow-citizen. When I allude to those unworthy imputations of supposed bias, or passion, or partiality, that may have marked

you out for your present situation, I do so in order to warn you of the ground on which you stand, of the point of awful responsibility in which you are placed, to your conscience, and to your country; and to remind you, that if you have been put into that box from any unworthy reliance on your complaisance or your servility, you have it in your power, before you leave it, to refute and to punish so vile an expectation, by the integrity of your verdict; to remind you, too, that you have it in your power to show to as many Irishmen as yet linger in this country that all law and justice have not taken their flight with our prosperity and peace; that the sanctity of an oath, and the honesty of a juror are not yet dead amongst us; and that if our courts of justice are superseded by so many strange and terrible tribunals, it is not because they are deficient either in wisdom or virtue.

Gentlemen, it is necessary that you should have a clear idea, first, of the law by which this question is to be decided; secondly, of the nature and object of the prosecution. As to the first, it is my duty to inform you that the law respecting libels has been much changed of late. Heretofore, in consequence of some decisions of the judges in Westminster Hall, the jury was conceived to have no province but that of finding the truth of the innuendoes, and the fact of publication; but the libellous nature of that publication, as well as the guilt or innocence of the publication, was considered as exclusively belonging to the court.

In a system like that of law, which reasons logically, no one erroneous principle can be introduced without producing every other that can be deducible

from it. If in the premises of any argument you admit one erroneous proposition, nothing but bad reasoning can save the conclusions from falsehood. So it has been with this encroachment of the court upon the province of the jury with respect to libels. The moment the court assumed as a principle that they, the court, were to decide upon everything but the publication; that is, that they were to decide upon the question of libel or no libel, and upon the guilt or innocence of the intention, which must form the essence of every crime, the guilt or innocence must of necessity have ceased to be material.

You see, gentlemen, clearly, that the question of intention is a mere question of fact.

Now the moment the court determined that the jury was not to try that question, it followed of necessity that it was not to be tried at all; for the court cannot try a question of fact. When the court said that it was not triable, there was no way of fortifying that extraordinary proposition, except by asserting that it was not material. The same erroneous reasoning carried them another step, still more mischievous and unjust; if the intention had been material, it must have been decided upon as a mere fact, under all its circumstances. Of these circumstances, the meanest understanding can see that the leading one must be the truth or the falsehood of the publication; but having decided the intention to be immaterial, it followed that the truth must be equally immaterial, and under the law so distorted, any man in England who published the most undeniable truth, and with the purest intention, might be punished for a crime in the most ignominious manner without imposing on the prosecutor the

necessity of proving his guilt, or his getting any opportunity of showing his innocence.

I am not in the habit of speaking of legal institutions with disrespect; but I am warranted in condemning that usurpation upon the right of juries, by the authority of that statute by which your jurisdiction is restored. For that restitution of justice, the British subject is indebted to the splendid exertions of Mr. Fox and Mr. Erskine, those distinguished supporters of the constitution and of the law; and I am happy to say to you, that though we can claim no share in the glory they have so justly acquired, we have the full benefit of their success; for you are now sitting under a similar act passed in this country, which makes it your duty and right to decide on the entire question upon the broadest grounds, and under all its circumstances, and of course, to determine by your verdict whether this publication be a false and scandalous libel; false in fact, and published with the seditious purpose alleged, of bringing the government into scandal and instigating the people to insurrection.

Having stated to you, gentlemen, the great and exclusive extent of your jurisdiction, I shall beg leave to suggest to you a distinction that will strike you at first sight; and that is, the distinction between public animadversions upon the character of private individuals, and those which are written upon measures of government and the persons who conduct them.

The former may be called personal, and the latter political publications. No two things can be more different in their nature, nor in the point of view in which they are to be looked on by a jury. The

criminality of a mere personal libel consists in this, that it tends to a breach of the peace; it tends to all the vindictive paroxysms of exasperated vanity, or to the deeper or more deadly vengeance of irritated pride. The truth is, few men see at once that they cannot be hurt so much as they think by the mere battery of a newspaper. They do not reflect that every character has a natural station, from which it cannot be effectually degraded, and beyond which it cannot be raised by the bawling of a news-hawker. If it is wantonly aspersed, it is but for a season, and that a short one, when it emerges, like the moon from a passing cloud, to its original brightness. It is right, however, that the law, and that you, should hold the strictest hand over this kind of public animadversion, that forces humility and innocence from their retreat into the glare of public view; that wounds and terrifies, that destroys the cordiality and the peace of domestic life, and that, without eradicating a single vice or a single folly, plants a thousand thorns in the human heart.

In cases of that kind, I perfectly agree with the law as stated from the bench; in such cases, I hesitate not to think that the truth of a charge ought not to justify its publication. If a private man is charged with a crime, he ought to be prosecuted in a court of justice, where he may be punished if it is true, and the accuser if it is false. But far differently do I deem of the freedom of political publication. The salutary restraint of the former species, which I talked of, is found in the general law of all societies whatever; but the more enlarged freedom of the press, for which I contend, in political publication, I conceive to be founded in the peculiar

nature of the British constitution, and to follow directly from the contract on which the British government hath been placed by the Revolution. By the British constitution, the power of the State is a trust, committed by the people upon certain conditions; by the violation of which it may be abdicated by those who hold, and resumed by those who conferred it. The real security, therefore, of the British sceptre, is the sentiment and opinion of the people, and it is consequently their duty to observe the conduct of the government; and it is the privilege of every man to give them full and just information upon that important subject. Hence the liberty of the press is inseparably twined with the liberty of the people. The press is the great public monitor: its duty is that of the historian and the witness, that "*nil falsi audeat, nil veri non audeat dicere*"; that its horizon shall extend to the farthest verge and limit of truth; that it shall speak truth to the King in the hearing of the people, and to the people in the hearing of the King; that it shall not perplex either the one or the other with false alarm, lest it lose its characteristic veracity, and become an unheeded warner of real danger; lest it should vainly warn them of that sin of which the inevitable consequence is death. This, gentlemen, is the great privilege upon which you are to decide; and I have detained you the longer, because of the late change of the law, and because of some observations that have been made, which I shall find it necessary to compare with the principles I have now laid down.

And now, gentlemen, let us come to the immediate subject of the trial, as it is brought before you, by the charge in the indictment, to which it ought to

have been confined; and also as it is presented to you by the statement of the learned counsel, who has taken a much wider range than the mere limits of the accusation, and has endeavoured to force upon your consideration extraneous and irrelevant facts, for reasons which it is not my duty to explain.

The indictment states simply that Mr. Finnerty has published a false and scandalous libel upon the Lord Lieutenant of Ireland, tending to bring his government into disrepute, and to alienate the affections of the people; and one would have expected that, without stating any other matter, the counsel for the crown would go directly to the proof of this allegation; but he has not done so; he has gone to a most extraordinary length, indeed, of preliminary observation, and an allusion to facts, and sometimes an assertion of facts, at which, I own, I was astonished, until I saw the drift of these allusions and assertions. Whether you have been fairly dealt with by him, or are now honestly dealt with by me, you must be judges.

He has been pleased to say that this prosecution is brought against this letter signed "Marcus," merely as a part of what he calls a system of attack upon the government by the paper called *The Press*. As to this, I will only ask you whether you are fairly dealt with? whether it is fair treatment to men upon their oaths to insinuate to them that the general character of a newspaper (and that general character founded merely upon the assertion of the prosecutor) is to have any influence upon their minds when they are to judge of a particular publication? I will only ask you what men you must be supposed to be, when it is thought that even in a court of justice,

and with the eyes of the nation upon you, you can be the dupes of that trite and exploded expedient, so scandalous of late in this country, of raising a vulgar and mercenary cry against whatever man or whatever principle it is thought necessary to put down; and I shall, therefore, merely leave it to your own pride to suggest upon what foundation it could be hoped that a senseless clamour of that kind could be echoed back by the yell of a jury upon their oaths. I trust you see that this has nothing to do with the question.

Gentlemen of the jury, other matters have been mentioned which I must repeat for the same purpose, that of showing you that they have nothing to do with the question. The learned counsel has been pleased to say that he comes forward in this prosecution as the real advocate for the liberty of the press, and to protect a mild and a merciful government from its licentiousness; and he has been pleased to add that the constitution can never be lost while its freedom remains, and that its licentiousness alone can destroy that freedom. As to that, gentlemen, he might as well have said that there is only one mortal disease of which a man can die: I can die the death inflicted by tyranny; and when he comes forward to extinguish this paper, in the ruin of the printer, by a State prosecution, in order to prevent its dying of licentiousness, you must judge how candidly he is treating you, both in the fact and in the reasoning. Is it in Ireland, gentlemen, that we are told licentiousness is the only disease that can be mortal to the press? Has he heard of nothing else that has been fatal to the freedom of publication? I know not whether the printer of the *North-*

ern Star may have heard of such things in his captivity; but I know that his wife and children are well apprised that a press may be destroyed in the open day, not by its own licentiousness, but by the licentiousness of a military force.

As to the sincerity of the declaration that the State has prosecuted in order to assert the freedom of the press, it starts a train of thought — of melancholy retrospect and direful prospect — to which I did not think the learned counsel would have wished you to commit your minds. It leads you naturally to reflect at what times, from what motives, and with what consequences, the government has displayed its patriotism by prosecutions of this sort. As to the motives, does history give you a single instance in which the State has been provoked to these conflicts, except by the fear of truth and by the love of vengeance? Have you ever seen the rulers of any country bring forward a prosecution from motives of filial piety, for libels upon their departed ancestors? Do you read that Elizabeth directed any of those State prosecutions against the libels which the divines of her times had written against her Catholic sister, or against the other libels which the same gentlemen had written against her Protestant father? No, gentlemen, we read of no such thing; but we know she did bring forward a prosecution from motives of personal resentment; and we know that a jury was found time-serving and mean enough to give a verdict which she was ashamed to carry into effect.

I said the learned counsel drew you back to the times that have been marked by these miserable conflicts. I see you turn your thoughts to the reign of

the second James. I see you turn your eyes to those pages of governmental abandonment, of popular degradation, of expiring liberty, of merciless and sanguinary persecution; to that miserable period, in which the fallen and abject state of man might have been almost an argument in the mouth of the atheist and the blasphemer, against the existence of an all-just and an all-wise First Cause; if the glorious era of the Revolution that followed it had not refuted the impious inference, by showing that if a man descends, it is not in his own proper motion; that it is with labour and with pain; that he can continue to sink only until, by the force and pressure of the descent, the spring of his immortal faculties acquires that recuperative energy and effort that hurries him as many miles aloft; that he sinks but to rise again. It is at that period that the State seeks for shelter in the destruction of the press; it is in a period like that, that the tyrant prepares for an attack upon the people, by destroying the liberty of the press; by taking away that shield of wisdom and of virtue behind which the people are invulnerable; in whose pure and polished convex, ere the lifted blow has fallen, he beholds his own image, and is turned into stone. It is at those periods that the honest man dares not speak, because truth is too dreadful to be told; it is then humanity has no ears, because humanity has no tongue. It is then the proud man scorns to speak, but, like a physician baffled by the wayward excesses of a dying patient, retires indignantly from the bed of an unhappy wretch whose ear is too fastidious to bear the sound of wholesome advice, whose palate is too debauched to bear the salutary bitter of the medicine that

might redeem him; and therefore leaves him to the felonious piety of the slaves that talk to him of life, and strip him before he is cold.

I do not care, gentlemen, to exhaust too much of your attention by following this subject through the last century with much minuteness; but the facts are too recent in your minds not to show you that the liberty of the press and the liberty of the people sink and rise together; that the liberty of speaking and the liberty of acting have shared exactly the same fate. You must have observed in England that their fate has been the same in the successive vicissitudes of their late depression; and sorry I am to add, that this country has exhibited a melancholy proof of their inseparable destiny, through the various and fitful stages of deterioration, down to the period of their final extinction, when the constitution has given place to the sword, and the only printer in Ireland who dares to speak for the people is now in the dock.

Gentlemen, the learned counsel has made the real subject of this prosecution so small a part of his statement, and has led you into so wide a range — certainly as unnecessary to the object as inapplicable to the subject of this prosecution — that I trust you will think me excusable in having somewhat followed his example. Glad am I to find that I have the authority of the same example for coming at last to the subject of this trial. I agree with the learned counsel that the charge made against the Lord Lieutenant of Ireland is that of having grossly and inhumanly abused the royal prerogative of mercy, of which the King is only the trustee for the benefit of the people. The facts are not contro-

verted. It has been asserted that their truth or falsehood is indifferent, and they are shortly these, as they appear in this publication.

William Orr was indicted for having administered the oath of a United Irishman. Every man now knows what the oath is: that it is simply an engagement, first, to promote a brotherhood of affection among men of all religious distinctions; secondly, to labour for the attainment of parliamentary reform; and thirdly, an obligation of secrecy, which was added to it when the convention law made it criminal and punishable to meet by any public delegation for that purpose.

After remaining upwards of a year in jail, Mr. Orr was brought to his trial; was prosecuted by the State; was sworn against by a common informer of the name of Wheatly, who himself had taken the obligation; and was convicted under the Insurrection Act, which makes the administering such an obligation felony of death. The jury recommended Mr. Orr to mercy, and the judge, with a humanity becoming his character, transmitted the recommendation to the noble prosecutor in this case. Three of the jurors made solemn affidavit in court that liquor had been conveyed into their box; that they were brutally threatened by some of their fellow-jurors with criminal prosecution if they did not find the prisoner guilty; and that under the impression of those threats, and worn down by watching and intoxication, they had given a verdict of guilty against him, though they believed him in their consciences to be innocent. Further inquiries were made, which ended in a discovery of the infamous life and character of the informer;

a respite was therefore sent once, and twice, and thrice, to give time, as Mr. Attorney-General has stated, for his Excellency to consider whether mercy *could* be extended to him or not; and with a knowledge of all these circumstances, his Excellency did finally determine that mercy should not be extended to him; and he was accordingly executed upon that verdict.

Of this publication, which the indictment charges to be false and seditious, Mr. Attorney-General is pleased to say that the design of it is to bring the courts of justice into contempt. As to this point of fact, gentlemen, I beg to set you right.

To the administration of justice, so far as it relates to the judges, this publication has not even an allusion in any part mentioned in this indictment; it relates to a department of justice that cannot begin until the duty of the judge closes. Sorry should I be that, with respect to this unfortunate man, any censure should be flung on those judges who presided at his trial, with the mildness and temper that became them upon so awful an occasion as the trial of life and death. Sure am I, that if they had been charged with inhumanity or injustice, and if they had condescended at all to prosecute the reviler, they would not have come forward in the face of the public to say, as has been said this day, that it was immaterial whether the charge was true or not. Sure I am, their first object would have been to show that it was false, and readily should I have been an eye-witness of the fact, to have discharged the debt of ancient friendship, of private respect, and of public duty, and upon my oath to have repelled the falsehood of such an imputation.

Upon this subject, gentlemen, the presence of those venerable judges restrains what I might otherwise have said; nor should I have named them at all, if I had not been forced to do so, and merely to undeceive you, if you have been made to believe their characters to have any community of cause whatever with the Lord Lieutenant of Ireland. To him alone it is confined, and against him the charge is made, as strongly, I suppose, as the writer could find words to express it, that the Viceroy of Ireland has cruelly abused the prerogative of royal mercy, in suffering a man under such circumstances to perish like a common malefactor. For this Mr. Attorney-General calls for your conviction as a false and scandalous libel; and after stating himself every fact that I have repeated to you, either from his statement or from the evidence, he tells you, that you ought to find it false and scandalous, though he almost in words admits that it is not false, and has resisted the admission of the evidence by which we offered to prove every word of it to be true.

And here, gentlemen, give me leave to remind you of the parties before you.

The traverser is a printer, who follows that profession for bread, and who at a time of great public misery and terror, when the people are restrained by law from debating under any delegated form; when the few constituents that we have are prevented by force from meeting in their own persons, to deliberate or to petition; when every other newspaper in Ireland is put down by force, or purchased by the administration (though here, gentlemen, perhaps I ought to beg your pardon for stating with-

out authority; I recollect when we attempted to examine as to the number of newspapers in the pay of the Castle, that the evidence was objected to); at a season like this, Mr. Finnerty has had the courage, perhaps the folly, to print the publication in question, for no motive under heaven of malice or vengeance, but in the mere duty which he owes to his family, and to the public.

His prosecutor is the King's minister in Ireland; in that character does the learned gentleman mean to say that his conduct is not a fair subject of public observation? Where does he find his authority for that in the law or practice of the sister country? Have the virtues, or the exalted station, or the general love of his people preserved the sacred person even of the royal master of the prosecutor, from the asperity and intemperance of public censure, unfounded as it ever must be, with any personal respect to his Majesty, in justice or truth? Have the gigantic abilities of Mr. Pitt, have the more gigantic talents of his great antagonist, Mr. Fox, protected either of them from the insolent familiarity, and for aught we know, the injustice with which writers have treated them? What latitude of invective has the King's minister escaped upon the subject of the present war? Is there an epithet of contumely, or of reproach, that hatred or that fancy could suggest, that is not publicly lavished upon them? Do you not find the words, "advocate of despotism," "robber of the public treasure," "murderer of the King's subjects," "debaucher of the public morality," "degrader of the constitution," "tarnisher of the British Empire," by frequency of use lose all meaning whatsoever, and dwindle into

terms, not of any peculiar reproach, but of ordinary appellation?

And why, gentlemen, is this permitted in that country? I'll tell you why: Because in that country they are yet wise enough to see that the measures of the State are the proper subject for the freedom of the press; that the principles relating to personal slander do not apply to rulers or to ministers; that to publish an attack upon a public minister, without any regard to truth, but merely because of its tendency to a breach of the peace, would be ridiculous in the extreme. What breach of the peace, gentlemen, I pray you, in such a case? Is it the tendency of such publications to provoke Mr. Pitt or Mr. Dundas to break the head of the writer, if they should happen to meet him? No, gentlemen; in that country this freedom is exercised because the people feel it to be their right; and it is wisely suffered to pass by the State, from a consciousness that it would be vain to oppose it; a consciousness confirmed by the event of every incautious experiment. It is suffered to pass from a conviction that, in a court of justice at least, the bulwarks of the constitution will not be surrendered to the State; and that the intended victim, whether clothed in the humble guise of honest industry, or decked in the honours of genius and virtue and philosophy, whether a Hardy or a Tooke, will find certain protection in the honesty and spirit of an English jury.

But, gentlemen, I suppose Mr. Attorney-General will scarcely wish to carry his doctrine altogether so far. Indeed, I remember, he declared himself a most zealous advocate for the liberty of the press.

I may, therefore, even according to him, presume to make some observations on the conduct of the existing government. I should wish to know how far he supposes it to extend; is it to the composition of lampoons and madrigals, to be sung down the grates by ragged ballad-mongers to kitchen-maids and footmen? I will not suppose that he means to confine it to the ebullitions of Billingsgate, to those cataracts of ribaldry and scurrility that are daily spouting upon the miseries of our wretched fellow-sufferers, and the unavailing efforts of those who have vainly laboured in their cause. I will not suppose that he confines it to the poetic license of a birthday ode; the *Laureate* would not use such language! In which case I do not entirely agree with him that the truth or the falsehood is as perfectly immaterial to the law as it is to the *Laureate*; as perfectly unrestrained by the law of the land as it is by any law of decency or shame, of modesty or decorum.

But as to the privilege of censure or blame, I am sorry that the learned gentleman has not favoured you with his notion of the liberty of the press.

Suppose an Irish Viceroy acts a very little absurdly; may the press venture to be respectfully comical upon that absurdity? The learned counsel does not, at least in terms, give a negative to that. But let me treat you honestly, and go further, to a more material point: suppose an Irish Viceroy does an act that brings scandal upon his master, that fills the mind of a reasonable man with the fear of approaching despotism, that leaves no hope to the people of preserving themselves and their children from chains, but in common confederacy for com-

mon safety: what is that honest man in that case to do?

I am sorry *the right honourable advocate for the liberty of the press* has not told you his opinion, at least in any express words. I will therefore venture to give you my far humbler thoughts upon the subject.

I think an honest man ought to tell the people frankly and boldly of their peril; and I must say I can imagine no villainy greater than that of his holding a traitorous silence at such a crisis, except the villainy and baseness of prosecuting him, or of finding him guilty for such an honest discharge of his public duty. And I found myself on the known principle of the Revolution of England, namely, that the crown itself may be abdicated by certain abuses of the trust reposed; and that there are possible excesses of arbitrary power, which it is not only the right, but the bounden duty, of every honest man to resist, at the risk of his fortune and his life.

Now, gentlemen, if this reasoning be admitted, and it cannot be denied; if there be any possible event in which the people are obliged to look only to themselves, and are justified in doing so; can you be so absurd as to say, that it is lawful for the people to act upon it when it unfortunately does arrive, but that it is criminal in any man to tell them that the miserable event has actually arrived, or is imminently approaching? Far am I, gentlemen, from insinuating that (extreme as it is) our misery has been matured into any deplorable crisis of this kind, from which I pray that the Almighty God may for ever preserve us! But I am putting my principles upon the strongest ground, and most

favourable to my opponents, namely, that it never can be criminal to say any thing of government but what is false; and I put this in the extreme, in order to demonstrate to you, *a fortiori*, that the privilege of speaking truth to the people, which holds in the last extremity, must also obtain in every stage of inferior importance; and that, however a court may have decided, before the late act, that the truth was immaterial in case of libel, since that act, no honest jury can be governed by such principle.

Be pleased now, gentlemen, to consider the grounds upon which this publication is called a libel, and criminal.

Mr. Attorney-General tells you it tends to excite sedition and insurrection. Let me again remind you that the truth of this charge is not denied by the noble prosecutor. What is it then that tends to excite sedition and insurrection? The act that is charged upon the prosecutor, and is not attempted to be denied? And, gracious God! gentlemen of the jury, is the public statement of the King's representative this: "I have done a deed that must fill the mind of every feeling or thinking man with horror and indignation; that must alienate every man that knows it from the King's government, and endanger the separation of this distracted empire: the traverser has had the guilt of publishing this fact, which I myself acknowledge, and I pray you to find him guilty"? Is this the case which the Lord Lieutenant of Ireland brings forward? Is this the principle for which he ventures, at a dreadful crisis like the present, to contend in a court of justice? Is this the picture which he wishes to hold out of himself to the justice and humanity of his

own countrymen? Is this the history which he wishes to be read by the poor Irishmen of the South and of the North, by the sister nation, and the common enemy?

With the profoundest respect, permit me humbly to defend his Excellency, even against his own opinion. The guilt of this publication he is pleased to think consists in this, that it tends to insurrection. Upon what can such a fear be supported? After the multitudes that have perished in this unhappy nation within the last three years, unhappiness which has been borne with a patience not paralleled in the history of nations, can any man suppose that the fate of a single individual could lead to resistance or insurrection?

But suppose that it might, what then ought to be the conduct of an honest man? Should it not be to apprise the government of the country and the Viceroy — You will drive the people to madness if you persevere in such bloody counsels; you will alienate the Irish nation; you will distract the common force; and you will invite the common enemy? Should not an honest man say to the people — The measure of your affliction is great, but you need not resort for remedy to any desperate expedients. If the King's minister is defective in humanity or wisdom, his royal master, your beloved sovereign, is abounding in both. At such a moment, can you be so senseless as not to feel that any one of you ought to hold such language; or is it possible you could be so infatuated as to punish the man who was honest enough to hold it? — or is it possible that you could bring yourselves to say to your country that at such a season the press ought to sleep upon its

post, or to act like the perfidious watchman on his round, that sees the villain wrenching the door, or the flames bursting from the windows, while the inhabitant is wrapt in sleep, and cries out that " 't is past five o'clock, the morning is fair, and all well " ?

On this part of the case I shall only put one question to you. I do not affect to say it is similar in all its points; I do not affect to compare the humble fortunes of Mr. Orr with the sainted names of Russell or Sidney; still less am I willing to find any likeness between the present period and the year 1688. But I will put a question to you, completely parallel in principle: When that unhappy and misguided monarch had shed the sacred blood, which their noble hearts had matured into a fit cement of revolution, if any honest Englishman had been brought to trial for daring to proclaim to the world his abhorrence of such a deed, what would you have thought of the English jury that could have said — We know in our hearts what he said was true and honest, but we will say upon our oaths that it was false and criminal; and we will, by that base subserviency, add another item to the catalogue of public wrongs, and another argument for the necessity of an appeal to heaven for redress?

Gentlemen, I am perfectly aware that what I say may be easily misconstrued; but if you listen to me with the same fairness that I address you, I cannot be misunderstood. When I show you the full extent of your political rights and remedies; when I answer those slanderers of British liberty who degrade the monarch into a despot, who pervert the steadfastness of law into the waywardness of will;

when I show you the inestimable stores of political wealth, so dearly acquired by our ancestors and so solemnly bequeathed; and when I show you how much of that precious inheritance has yet survived all the prodigality of their posterity, I am far from saying that I stand in need of it all upon the present occasion. No, gentlemen, far am I indeed from such a sentiment. No man more deeply than myself deplores the present melancholy state of our unhappy country. Neither does any man more fervently wish for the return of peace and tranquillity through the natural channels of mercy and of justice. I have seen too much of force and of violence to hope much good from the continuance of them on the one side or the retaliation of them on another. I have of late seen too much of political rebuilding not to have observed that to demolish is not the shortest way to repair. It is with pain and anguish that I should search for the miserable right of breaking ancient ties, or going in quest of new relations or untried adventures. No, gentlemen, the case of my client rests not upon these sad privileges of despair. I trust that, as to the fact, namely, the intention of exciting insurrection, you must see it cannot be found in this publication; that it is the mere idle, unsupported imputation of malice, or panic, or falsehood. And that as to the law, so far has he been from transgressing the limits of the constitution, that whole regions lie between him and those limits, which he has not trod, and which I pray to Heaven it may never be necessary for any of us to tread.

Gentlemen, Mr. Attorney-General has been pleased to open another battery upon this publication, which I do trust I shall silence, unless I flatter myself too

much in supposing that hitherto my resistance has not been utterly unsuccessful.

He abuses it for the foul and insolent familiarity of its address. I do clearly understand his idea; he considers the freedom of the press to be the license of offering that paltry adulation which no man ought to stoop to utter or to hear; he supposes the freedom of the press ought to be like the freedom of a king's jester, who, instead of reproving the faults of which majesty ought to be ashamed, is base and cunning enough, under the mask of servile and adulatory censure, to stroke down and pamper those vices of which it is foolish enough to be vain. He would not have the press presume to tell the Viceroy that the prerogative of mercy is a trust for the benefit of the subject, and not a gaudy feather stuck into the diadem to shake in the wind, and by the waving of the gorgeous plumage to amuse the vanity of the wearer. He would not have it to say to him that the discretion of the crown as to mercy is like the discretion of a court of justice as to law; and that in the one case, as well as the other, wherever the propriety of the exercise of it appears, it is equally a matter of right. He would have the press all fierceness to the people, and all sycophancy to power; he would consider the mad and frenetic outrages of authority like the awful and inscrutable dispensations of Providence, and say to the unfeeling and despotic spoiler, in the blasphemed and insulted language of religious resignation, "The Lord hath given, and the Lord hath taken away; blessed be the name of the Lord."

But let me condense the generality of the learned gentleman's invective into questions that you can

conceive. Does he mean that the air of this publication is rustic and uncourtly? Does he mean that when "Marcus" presumed to ascend the steps of the Castle, and to address the Viceroy, he did not turn out his toes as he ought to have done? But, gentlemen, you are not a jury of dancing-masters. Or does the learned gentleman mean that the language is coarse and vulgar? If this be his complaint, my client has but a poor advocate.

I do not pretend to be a mighty grammarian, or a formidable critic; but I would beg leave to suggest to you, in serious humility, that a free press can be supported only by the ardour of men who feel the prompting sting of real or supposed capacity; who write from the enthusiasm of virtue, or the ambition of praise, and over whom, if you exercise the rigour of a grammatical censorship, you will inspire them with as mean an opinion of your integrity as of your wisdom, and inevitably drive them from their post; and if you do, rely upon it, you will reduce the spirit of publication, and with it the press of this country, to what it for a long interval has been — the register of births, and fairs, and funerals, and the general abuse of the people and their friends.

Gentlemen, in order to bring this charge of insolence and vulgarity to the test, let me ask you whether you know of any language which could have adequately described the idea of mercy denied where it ought to have been granted; or of any phrase vigorous enough to convey the indignation which an honest man would have felt upon such a subject?

Let me beg of you for a moment to suppose that any one of you had been the writer of this very

severe expostulation with the Viceroy, and that you had been the witness of the whole progress of this never-to-be-forgotten catastrophe.

Let me suppose that you had known the charge upon which Mr. Orr was apprehended — the charge of abjuring that bigotry which had torn and disgraced his country — of pledging himself to restore the people of his country to their place in the constitution — and of binding himself never to be the betrayer of his fellow-labourers in that enterprise: that you had seen him upon that charge removed from his industry, and confined in a jail; that through the slow and lingering progress of twelve tedious months you had seen him confined in a dungeon, shut out from the common use of air and of his own limbs; that day after day you had marked the unhappy captive cheered by no sound but the cries of his family, or the clinking of chains; that you had seen him at last brought to his trial; that you had seen the vile and perjured informer deposing against his life; that you had seen the drunken and worn-out and terrified jury give in a verdict of death; that you had seen the same jury when their returning sobriety had brought back their conscience, prostrate themselves before the humanity of the bench, and pray that the mercy of the crown might save their characters from the reproach of an involuntary crime, their consciences from the torture of eternal self-condemnation, and their souls from the indelible stain of innocent blood.

Let me suppose that you had seen the respite given, and that contrite and honest recommendation transmitted to that seat where mercy was presumed to dwell; that new and before unheard-of crimes

are discovered against the informer; that the royal mercy seems to relent, and that a new respite is sent to the prisoner; that time is taken, as the learned counsel for the crown has expressed it, to see whether mercy could be extended or not; that after that period of lingering deliberation passed, a third respite is transmitted; that the unhappy captive himself feels the cheering hope of being restored to a family that he had adored, to a character that he had never stained, and to a country that he had ever loved; that you had seen his wife and children upon their knees, giving those tears to gratitude which their locked and frozen hearts could not give to anguish and despair, and imploring the blessings of Eternal Providence upon his head who had graciously spared the father and restored him to his children; that you had seen the olive branch sent into his little ark, but no sign that the waters had subsided.

“Alas!

Nor wife, nor children more shall he behold —
Nor friends, nor sacred home!”

No seraph mercy unbars his dungeon and leads him forth to light and life; but the minister of death hurries him to the scene of suffering and of shame, where, unmoved by the hostile array of artillery and armed men collected together to secure or to insult or to disturb him, he dies with a solemn declaration of his innocence, and utters his last breath in a prayer for the liberty of his country.

Let me now ask you, if any of you had addressed the public ear upon so foul and monstrous a subject, in what language would you have conveyed the feelings of horror and indignation? Would you have

stooped to the meanness of qualified complaint? — would you have checked your feelings to search for courtly and gaudy language? — would you have been mean enough — But I entreat your forgiveness — I do not think meanly of you. Had I thought so meanly of you, I could not suffer my mind to commune with you as it has done; had I thought you that base and vile instrument, attuned by hope and by fear into discord and falsehood, from whose vulgar string no groan of suffering could vibrate, no voice of integrity or honour could speak, let me honestly tell you, I should have scorned to fling my hand across it — I should have left it to a fitter minstrel. If I do not, therefore, grossly err in my opinion of you, I could use no language upon such a subject as this, that must not lag behind the rapidity of your feelings, and that would not disgrace those feelings, if it attempted to describe them.

Gentlemen, I am not unconscious that the learned counsel for the crown seemed to address you with a confidence of a very different kind; he seemed to expect from you a kind and respectful sympathy with the feelings of the Castle, and with the griefs of chided authority. Perhaps, gentlemen, he may know you better than I do. If he does, he has spoken to you as he ought; he has been right in telling you that if the reprobation of this writer is weak, it is because his genius could not make it stronger; he has been right in telling you that his language has not been braided and festooned as elegantly as it might — that he has not pinched the miserable plaits of his phraseology, nor placed his patches and feathers with that correctness of millinery which became so exalted a person.

If you agree with him, gentlemen of the jury — if you think that the man who ventures, at the hazard of his own life, to rescue from the deep the drowning honour of his country, you must not presume upon the guilty familiarity of plucking it up by the locks. I have no more to say ; do a courteous thing. Upright and honest jurors, find a civil and obliging verdict against the printer ! And when you have done so, march through the ranks of your fellow-citizens to your own homes, and bear their looks as you pass along. Retire to the bosom of your families and your children, and when you are presiding over the morality of the parental board, tell those infants, who are to be the future men of Ireland, the history of this day. Form their young minds by your precepts, and confirm those precepts by your own example — teach them how discreetly allegiance may be perjured on the table, or loyalty be forsworn in the jury-box ; and when you have done so, tell them the story of Orr — tell them of his captivity, of his children, of his crime, of his hopes, of his disappointments, of his courage, and of his death ; and when you find your little hearers hanging from your lips — when you see their eyes overflow with sympathy and sorrow, and their young hearts bursting with the pangs of anticipated orphanage — tell them that you had the boldness and the justice to stigmatize the monster who had dared to publish the transaction !

Gentlemen, I believe I told you before, that the conduct of the Viceroy was a small part, indeed, of the subject of this trial. If the vindication of his mere personal character had been, as it ought to have been, the sole object of this prosecution, I

should have felt the most respectful regret at seeing a person of his high consideration come forward in a court of public justice in one and the same breath to admit the truth, and to demand the punishment of a publication like the present, to prevent the chance he might have had of such an accusation being disbelieved, and, by a prosecution like this, to give to the passing stricture of a newspaper that life and body, and action and reality, to prove it to all mankind, and make the record of it indelible. Even as it is, I do own I feel the utmost concern that his name should have been soiled by being mixed in a question of which it is the mere pretext and scapegoat.

Mr. Attorney-General was too wise to state to you the real question, or the object which he wished to be answered by your verdict. Do you remember that he was pleased to say that this publication was a base and foul misrepresentation of the virtue and wisdom of the government, and a false and audacious statement to the world, that the King's government in Ireland was base enough to pay informers for taking away the lives of the people? When I heard this statement to-day, I doubted whether you were aware of its tendency or not. It is now necessary that I should explain it to you more at large.

You cannot be ignorant of the great conflict between prerogative and privilege which hath convulsed the country for the last fifteen years; when I say privilege, you cannot suppose that I mean the privilege of the House of Commons, — I mean the privileges of the people.

You are no strangers to the various modes by which the people laboured to approach their object,

— delegations, conventions, remonstrances, resolutions, petitions to the Parliament, petitions to the Throne.

It might not be decorous in this place to state to you, with any sharpness, the various modes of resistance that were employed on the other side; but you, all of you, seem old enough to remember the variety of acts of Parliament that have been made, by which the people were deprived, session after session, of what they had supposed to be the known and established fundamentals of the constitution, — the right of public debate, the right of public petition, the right of bail, the right of trial, the right of arms for self-defence; until the last, even the relics of popular privilege became superseded by a military force, the press extinguished, and the State found its last entrenchment in the grave of the constitution. As little can you be strangers to the tremendous confederations of hundreds of thousands of your countrymen, of the nature and objects of which such a variety of opinions have been propagated and entertained.

The writer of this letter presumed to censure the recall of Lord Fitzwilliam, as well as the measures of the present Viceroy. Into this subject I do not enter; but you cannot yourselves forget that the conciliatory measures of the former noble lord had produced an almost miraculous unanimity in this country; and much do I regret, and sure I am that it is not without pain you can reflect, how unfortunately the conduct of his successor has terminated. His intentions might have been the best; I neither know them nor condemn them, but their terrible effects you cannot be blind to. Every new act of

coercion has been followed by some new symptom of discontent, and every new attack provoked some new paroxysm of resentment, or some new combination of resistance.

In this deplorable state of affairs — convulsed and distracted within, and menaced by a most formidable enemy from without — it was thought that public safety might be found in union and conciliation; and repeated applications were made to the Parliament of this kingdom, for a calm inquiry into the complaints of the people. These applications were made in vain.

Impressed by the same motives, Mr. Fox brought the same subject before the Commons of England, and ventured to ascribe the perilous state of Ireland to the severity of its government. Even his stupendous abilities, excited by the liveliest sympathy with our sufferings, and animated by the most ardent zeal to restore the strength with the union of the empire, were repeatedly exerted without success. The fact of discontent was denied — the fact of coercion was denied — and the consequence was, the coercion became more implacable, and the discontent more threatening and irreconcilable.

A similar application was made in the beginning of this session in the Lords of Great Britain by our illustrious countryman,¹ of whom I do not wonder that my learned friend should have observed how much virtue can fling pedigree into the shade, or how much the transient honour of a body inherited from man is obscured by the lustre of an intellect derived from God. He, after being an eye-witness of this country, presented the miserable picture of

¹ Lord Moira.

what he had seen ; and, to the astonishment of every man in Ireland, the existence of those facts was ventured to be denied ; the conduct of the Viceroy was justified and applauded ; and the necessity of continuing that conduct was insisted upon, as the only means of preserving the constitution, the peace, and the prosperity of Ireland. The moment the learned counsel had talked of this publication as a false statement of the conduct of the government and the condition of the people, no man could be at a loss to see that the awful question, which had been dismissed from the Commons of Ireland, and from the Lords and Commons of Great Britain, is now brought forward to be tried by a side wind, and, in a collateral way, by a criminal prosecution.

The learned counsel has asserted that the paper which he prosecutes is only part of a system formed to misrepresent the state of Ireland and the conduct of its government. Do you not, therefore, discover that his object is to procure a verdict to sanction the parliaments of both countries in refusing an inquiry into your grievances ? Let me ask you, then, are you prepared to say, upon your oath, that those measures of coercion which are daily practised are absolutely necessary and ought to be continued ? It is not upon Finnerty you are sitting in judgment ; but you are sitting in judgment upon the lives and liberties of the inhabitants of more than half of Ireland. You are to say that it is a foul proceeding to condemn the government of Ireland ; that it is a foul act, founded in foul motives, and originating in falsehood and sedition ; that it is an attack upon a government under which the people are prosperous and happy ; that justice is administered with

mercy; that the statements made in Great Britain are false — are the effusions of party or of discontent; that all is mildness and tranquillity; that there are no burnings — no transportations; that you never travel by the light of conflagrations; that the jails are not crowded month after month, from which prisoners are taken out, not for trial, but for embarkation! These are the questions upon which, I say, you must virtually decide. It is in vain that the counsel for the crown may tell you that I am misrepresenting the case, that I am endeavouring to raise false fears, and to take advantage of your passions; that the question is, whether this paper be a libel or not; and that the circumstances of the country have nothing to do with it. Such assertions must be vain. The statement of the counsel for the crown has forced the introduction of those important topics; and I appeal to your own hearts whether the country is misrepresented, and whether the government is misrepresented.

I tell you, therefore, gentlemen of the jury, it is not with respect to Mr. Orr, or Mr. Finnerty, that your verdict is now sought. You are called upon, on your oaths, to say that the government is wise and merciful — the people prosperous and happy; that military law ought to be continued; that the constitution could not with safety be restored to Ireland; and that the statements of a contrary import by your advocates in either country are libellous and false.

I tell you these are the questions; and I ask you if you can have the front to give the expected answer in the face of a community who know the country as well as you do? Let me ask you how you could

reconcile with such a verdict the jails, the tenders, the gibbets, the conflagrations, the murders, the proclamations that we hear of every day in the streets, and see every day in the country? What are the prosecutions of the learned counsel himself, circuit after circuit? Merciful God! What is the state of Ireland? and where shall you find the wretched inhabitant of this land? You may find him, perhaps, in a jail, the only place of security—I had almost said of ordinary habitation! If you do not find him there, you may see him flying with his family from the flames of his own dwelling—lighted to his dungeon by the conflagration of his hovel; or you may find his bones bleaching on the green fields of his country; or you may find him tossing on the surface of the ocean, and mingling his groans with those tempests, less savage than his persecutors, that drift him to a returnless distance from his family and his home, without charge, or trial, or sentence. Is this a foul misrepresentation? Or can you, with these facts ringing in your ears, and staring in your face, say, upon your oaths, they do not exist? You are called upon, in defiance of shame, of truth, of honour, to deny the sufferings under which you groan, and to flatter the persecution that tramples you under foot.

Gentlemen, I am not accustomed to speak of circumstances of this kind; and though familiarized as I have been to them, when I come to speak of them my power fails me—my voice dies within me. I am not able to call upon you. It is now I ought to have strength—it is now I ought to have energy and voice. But I have none; I am like the unfortunate state of the country—perhaps, like you. This

is the time in which I ought to speak, if I can, or be dumb for ever; in which, if you do not speak as you ought, *you* ought to be dumb for ever.

But the learned gentleman is further pleased to say that the traverser has charged the government with the encouragement of informers. This, gentlemen, is another small fact that you are to deny at the hazard of your souls, and upon the solemnity of your oaths. You are upon your oaths to say to the sister country, that the government of Ireland uses no such abominable instruments of destruction as informers. Let me ask you honestly, what do you feel, when in my hearing, when in the face of this audience, you are called upon to give a verdict that every man of us, and every man of you know, by the testimony of your own eyes, to be utterly and absolutely false? I speak not now of the public proclamation for informers, with a promise of secrecy, and of extravagant reward; I speak not of the fate of those horrid wretches who have been so often transferred from the table to the dock, and from the dock to the pillory; I speak of what your own eyes have seen, day after day, during the course of this commission, from the box where you are now sitting; the number of horrid miscreants, who acknowledged, upon their oaths, that they had come from the seat of government — from the very chambers of the Castle — where they had been worked upon, by the fear of death and the hope of compensation, to give evidence against their fellows; that the mild, the wholesome, and merciful councils of this government are holden over these catacombs of living death, where the wretch that is buried a man, lies till his heart has time to fester and dissolve, and is then dug up a witness!

Is this a picture created by a hag-ridden fancy, or is it fact? Have you not seen him, after his resurrection from that region of death and corruption, make his appearance upon the table, the living image of life and of death, and the supreme arbiter of both? Have you not marked when he entered, how the stormy wave of the multitude retired at his approach? Have you not seen how the human heart bowed to the supremacy of his power, in the undissembled homage of deferential horror? how his glance, like the lightning of heaven, seemed to rive the body of the accused, and mark it for the grave, while his voice warned the devoted wretch of woe and death — a death which no innocence can escape, no art elude, no force resist, no antidote prevent. There was an antidote, — a juror's oath, — but even that adamant chain, that bound the integrity of man to the throne of eternal justice, is solved and molten in the breath that issues from the informer's mouth; conscience swings from her moorings, and the appalled and affrighted juror consults his own safety in the surrender of the victim: —

*"Et quæ sibi quisque timebat,
Unius in miseri exitium conversa tulere."*

Informers are worshipped in the temple of justice, even as the devil has been worshipped by pagans and savages — even so in this wicked country, is the informer an object of judicial idolatry — even so is he soothed by the music of human groans — even so is he placated and incensed by the fumes and by the blood of human sacrifices.

Gentlemen, I feel I must have tired your patience; but I have been forced into this length by the prose-

cutor, who has thought fit to introduce those extraordinary topics, and to bring a question of mere politics to trial, under the form of a criminal prosecution. I cannot say I am surprised that this has been done, or that you should be solicited by the same inducements, and from the same motives, as if your verdict was a vote of approbation. I do not wonder that the government of Ireland should stand appalled at the state to which we are reduced. I wonder not that they should start at the public voice, and labour to stifle or contradict it. I wonder not that at this arduous crisis, when the very existence of the empire is at stake, and when its strongest and most precious limb is not girt with the sword for battle, but pressed by the tourniquet for amputation; when they find the coldness of death already begun in those extremities where it never ends; that they are terrified at what they have done, and wish to say to the surviving parties of that empire, "They cannot say that we did it." I wonder not that they should consider their conduct as no immaterial question for a court of criminal jurisdiction, and wish anxiously, as on an inquest of blood, for the kind acquittal of a friendly jury.

I wonder not that they should wish to close the chasm they have opened, by flinging you into the abyss. But trust me, my countrymen, you might perish in it, but you could not close it; trust me, if it is yet possible to close it, it can be done only by truth and honour; trust me, that such an effect could no more be wrought by the sacrifice of a jury than by the sacrifice of Orr.

As a state measure, the one would be as unwise and unavailing as the other; but while you are yet

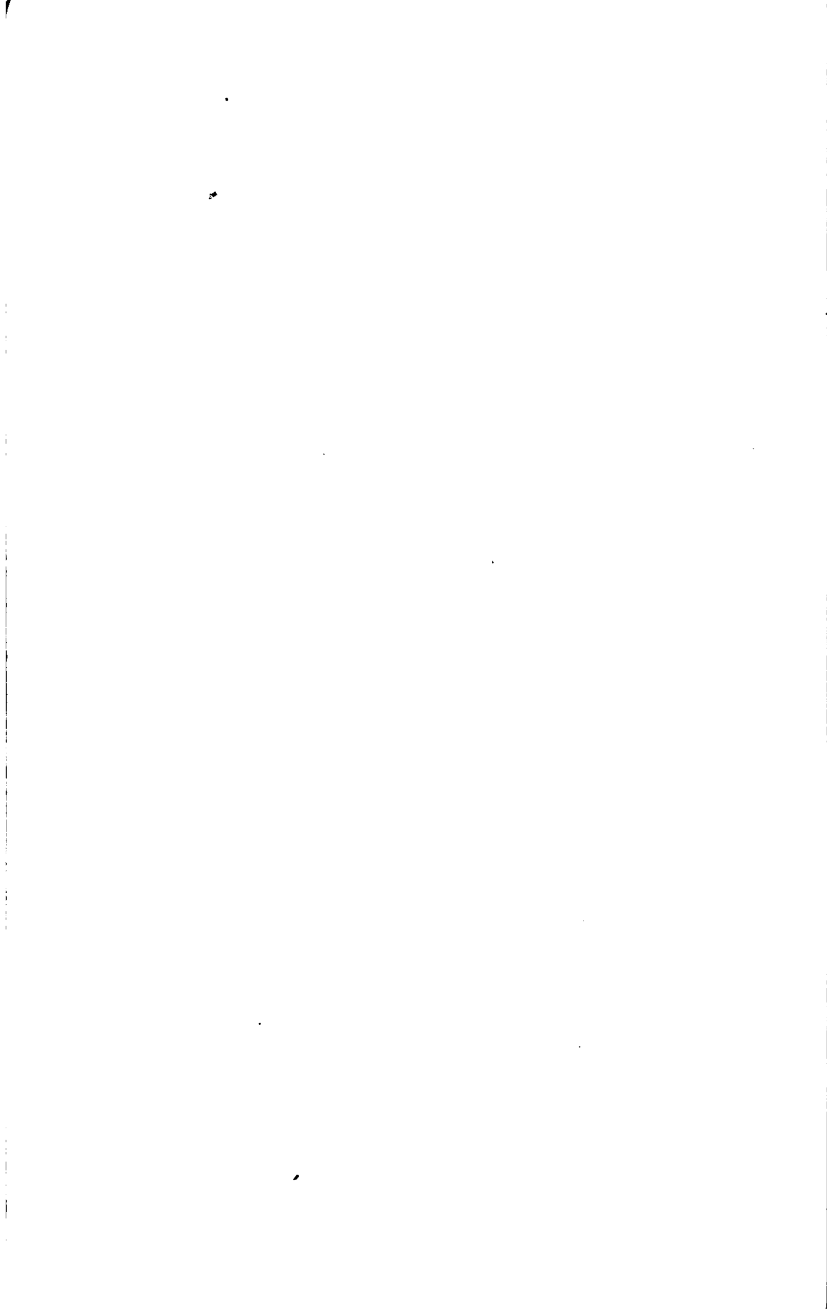
upon the brink, while you are yet visible, let me, before we part, remind you once more of your awful situation.

You are upon a great forward ground, with the people at your back, and the government in your front. You have neither the disadvantages nor the excuses of jurors a century ago. No, thank God! never was there a stronger characteristic distinction between those times, upon which no man can reflect without horror, and the present. You have seen this trial conducted with mildness and patience by the court. We have now no Jeffreys, with scurvy and vulgar conceits, to browbeat the prisoner and perplex his counsel. Such has been the improvement of manners, and so calm the confidence of integrity, that during the defence of accused persons, the judges sit quietly, and show themselves worthy of their situation, by bearing, with a mild and merciful patience, the little extravagancies of the bar, as you should bear with the little extravagancies of the press. Let me then turn your eyes to that pattern of mildness in the bench. "The Press" is your advocate; bear with its excess—bear with every thing but its bad intention. If it come as a villainous slanderer, treat it as such; but if it endeavour to raise the honour and glory of your country, remember that you reduce its power to a nonentity if you stop its animadversions upon public measures. You should not check the efforts of genius, nor damp the ardour of patriotism. In vain will you desire the bird to soar, if you meanly or madly steal from it its plumage. Beware lest, under the pretence of bearing down the licentiousness of the press, you extinguish it altogether. Beware

how you rival the venal ferocity of those miscreants who rob a printer of the means of bread, and claim from deluded royalty the reward of integrity and allegiance. Let me, therefore, remind you, that though the day may soon come when our ashes shall be scattered before the winds of heaven, the memory of what you do cannot die; it will carry down to your posterity your honour or your shame. — In the presence and in the name of that ever-living God I do therefore conjure you to reflect, that you have your characters, your consciences, that you have also the character, perhaps the ultimate destiny, of your country, in your hands. In that awful name, I do conjure you to have mercy upon your country and yourselves, and so judge now, as you will hereafter be judged; and I do now submit the fate of my client, and of that country which we have yet in common, to your disposal.

X

SHERIDAN



SHERIDAN

RICHARD BRINSLEY SHERIDAN will be chiefly remembered as the author of "The School for Scandal," "The Rivals," and other comedies; but the reputation as an orator which he made in his great "Begum" speech in the impeachment of Warren Hastings places him beside Fox in the history of oratory.

Sheridan married and set up a splendid ménage in London, with no more cash capital than the few thousand pounds his wife brought him. But his wife was a fine singer, and Sheridan had confidence in his own brilliant gifts; so he immediately had the fashionable people of the town at his entertainments, and soon made a huge success with "The Rivals." A little later, when Garrick was about to retire, Sheridan bought Garrick's half interest in Drury Lane Theatre, where "The School for Scandal" was shortly produced. This theatre always yielded him a good income, and it is probable that he would not have been harassed by debt in his later life had it not been for the fact that Drury Lane twice burned to the ground, and there was no insurance in those days.

Sheridan first appeared on a platform at Westminster with Fox; and it was under the wing of Fox that his entire political career found its fruition. His first attempt at a speech in Parliament was a failure; but he kept at it, and finally, it is said, during the trial of Warren Hastings the court was so carried away by his eloquence that it adjourned for no other reason than to recover its mental balance.

That Sheridan did finally succeed as a parliamentary orator means a great deal. Erskine, with all his forensic reputation, never made a speech in Parliament that any of his friends could point to with pride. Flood came from Ireland with the reputation of a Demosthenes; but never impressed the British law-makers. That Grattan did succeed in the Imperial Parliament as he had in the Irish Parliament, is one of the best evidences of the quality of his powers.

Our reports of both Fox and Sheridan are so exceedingly poor that we can hardly judge them now at all. Extemporaneous speaking had come into vogue, and with it no adequate means for reporting it; and the extemporaneous orators paid no attention to the revision or publication of their work.

To Sheridan was assigned in the trial of Hastings the presentation of the charges regarding the robbing of the Princesses of Oude, called the Begums. He spoke three times; and out of the

garbled report the only passages that can be reprinted with any interest are a few pieces of somewhat too intense declamation. Fox had spoken in a very business-like way; but because of the absence of rhetorical passages his speech is quite unfamiliar to the modern reader. Sheridan was much like Fox in brilliancy and wit, — but a mild and less earnest counterpart. Burke was passionate in his accusation of Hastings; Sheridan was rhetorical. It is said that Fox and Pitt and Burke prepared themselves to be orators, but Sheridan prepared himself to deliver an oration. He succeeded in a marked degree only when he had made most careful preparation, and it is hinted that his great speeches were not extemporaneous. In any case, he is an excellent example of the principle that if extemporaneous oratory is not a natural gift, success in it may still be attained by systematic, earnest, and determined preparation.

SELECTIONS FROM SPEECH ON THE BEGUMS

(IMPEACHMENT OF WARREN HASTINGS)

I

THE DESOLATION OF OUDE

IF, my lords, a stranger had at this time entered the province of Oude, ignorant of what had happened since the death of Sujah Dowlah, — that

prince who with a savage heart had still great lines of character, and who, with all his ferocity in war, had, with a cultivating hand, preserved to his country the wealth which it derived from benignant skies and a prolific soil, — if, observing the wide and general devastation of fields unclothed and brown; of vegetation burned up and extinguished; of villages depopulated and in ruin; of temples unroofed and perishing; of reservoirs broken down and dry, this stranger should ask, “What has thus laid waste this beautiful and opulent land? what monstrous madness has ravaged with widespread war? what desolating foreign foe, what civil discords, what disputed succession, what religious zeal, what fabled monster has stalked abroad, and, with malice and mortal enmity to man, withered by the grasp of death every growth of nature and humanity, all means of delight, and each original, simple principle of bare existence?” the answer would have been, Not one of these causes! No wars have ravaged these lands and depopulated these villages! No desolating foreign foe! No domestic broils! No disputed succession! No religious, super-serviceable zeal! No poisonous monster! No affliction of Providence, which, while it scourged us, cut off the sources of resuscitation! No! This damp of death is the mere effusion of British amity! We sink under the pressure of their support! We writhe under their perfidious gripe! They have embraced us with their protecting arms, and lo! these are the fruits of their alliance!

What then, my lords? Shall we bear to be told that, under such circumstances, the exasperated feelings of a whole people, thus spurred on to clamour

and resistance, were excited by the poor and feeble influence of the Begums? After hearing the description given by an eyewitness (Colonel Naylor, successor of Hannay) of the paroxysm of fever and delirium into which despair threw the natives when, on the banks of the polluted Ganges, panting for breath, they tore more widely open the lips of their gaping wounds to accelerate their dissolution; and while their blood was issuing, presented their ghastly eyes to heaven, breathing their last and fervent prayer that the dry earth might not be suffered to drink their blood, but that it might rise up to the throne of God, and rouse the eternal Providence to avenge the wrongs of their country — will it be said that all this was brought about by the incantations of these Begums in their secluded zenana; or that they could inspire this enthusiasm and this despair into the breasts of a people who felt no grievance, and had suffered no torture? What motive, then, could have such influence in their bosom? What motive! That which nature, the common parent, plants in the bosom of man, and which, though it may be less active in the Indian than in the Englishman, is still congenial with and makes a part of his being; that feeling which tells him that man was never made to be the property of man, but that, when in the pride and insolence of power, one human creature dares to tyrannize over another, it is a power usurped, and resistance is a duty; that principle which tells him that resistance to power usurped is not merely a duty which he owes to himself and to his neighbour, but a duty which he owes to his God, in asserting and maintaining the rank which he gave him in his creation; that prin-

ciple which neither the rudeness of ignorance can stifle, nor the enervation of refinement extinguish; that principle which makes it base for a man to suffer when he ought to act; which, tending to preserve to the species the original designations of Providence, spurns at the arrogant distinctions of man, and indicates the independent quality of his race.

II

FILIAL PIETY

[The son of Sujah Dowlah was employed against his mother and grandmother.],

FILIAL love—the morality, the instinct, the sacrament of nature—a duty; or, rather let me say, it is miscalled a duty, for it flows from the heart without effort—its delight—its indulgence—its enjoyment! It is guided not by the slow dictates of reason; it awaits not encouragement from reflection or from thought; it asks no aid of memory; it is an innate but active consciousness of having been the object of a thousand solitudes, a thousand waking, watchful cares, of meek anxiety and patient sacrifices, unremarked and unrequited by the object. It is a gratitude founded upon a conviction of obligations not remembered, but the more binding because not remembered, because conferred before the tender reason could acknowledge or the infant memory record them—a gratitude and affection which no circumstances should subdue, and which few can strengthen—a gratitude in which even injury from the object, though it may blend regret, should never breed resentment—and affection

which can be increased only by the decay of those to whom we owe it — then most fervent when the tremulous voice of age, resisting in its feebleness, inquires for the natural protectors of its cold decline.

III

"THE MAJESTY OF JUSTICE"

MR. HASTINGS has endeavoured also to get rid of part of his guilt by observing that he was but *one* of the supreme council, and that all the rest had sanctioned these transactions with their approbation. If Mr. Hastings could prove, however, that others participated in the guilt, it would not tend to diminish his own criminality. But the fact is, the council in nothing erred so much as in criminal credulity given to the declarations of the Governor-General. They knew not a word of these transactions until they were finally concluded. It was not until the January following that they saw the mass of falsehood which had been published under the title of "Mr. Hastings's Narrative." They were then unaccountably duped into suffering a letter to pass, dated the 29th of November, intended to deceive the directors into a belief that they had received intelligence at that time, which is not the fact.

These observations are not meant to cast any obloquy on the council. They were undoubtedly deceived, and the deceit practised on them by making them sign the Narrative, is of itself a strong accusation of Mr. Hastings, and a decided proof of his own consciousness of guilt. When tired of

corporal infliction, his tyranny was gratified by insulting the understanding. Other tyrants, though born to greatness, such as a Nero, or a Caligula, may have been aroused, it has been supposed, by reflection, and awakened into contrition; but here is an instance which spurns at theory, and baffles supposition, — a man born to a state at least of equality, inured to calculation, and brought up in habits of reflection, and yet proving in the end that monster in nature, a *deliberate and reasoning tyrant!*

The Board of Directors received those advices which Mr. Hastings thought proper to transmit; but though unfurnished with any other materials to form their judgments, they expressed very strongly their doubts, and as properly ordered an inquiry into the circumstances of the alleged disaffection of the Begums; pronouncing it, at the same time, a debt which was due to the honour and justice of the British nation. This inquiry, however, on the directions' reaching India, Mr. Hastings thought it absolutely necessary to elude. He stated to the council that since it was merely directed that "if on inquiry certain facts appeared," no inquiry was thereby directly enjoined. "It would revive," said he, "those animosities that subsisted between the Begums and the Vizier, which had then subsided. If the former were inclined to appeal to a foreign jurisdiction, they were the best judges of their own feeling, and should be left to make their own complaint." All this, however, is nothing to the magnificent paragraph which concludes this minute, and to which I request the attention of the court. "Besides," said Mr. Hastings, "I hope it will not be a departure from official language to say, that the

majesty of justice ought not to be approached without solicitation; she ought not to descend to inflame or provoke, but to withhold her judgment until she is called on to determine." What is still more astonishing is that Sir John Macpherson (who, though a gentleman of sense and honour, is rather Oriental in his imagination) was caught by this *bold bombastic quibble*, and joined in the same words, "that the *majesty of justice* ought not to be approached without solicitation."

But *justice* is not this halt and miserable object! It is not the ineffective bauble of an Indian pagod; it is not the portentous phantom of despair; it is not like any fabled monster, formed in the eclipse of reason, and found in some unhallowed grove of superstitious darkness and political dismay! No, my lords!

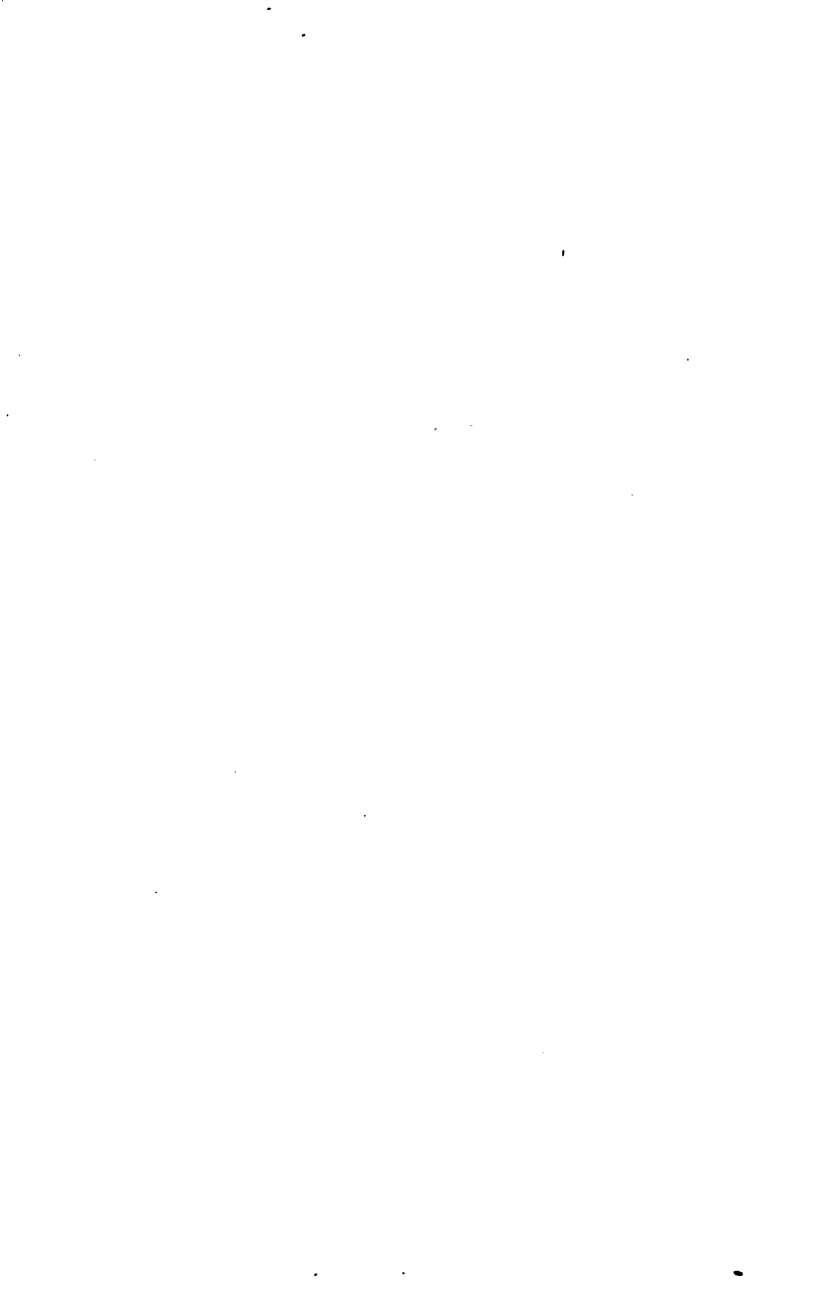
In the happy reverse of all these, I turn from this disgusting caricature to the *real image*. — *Justice* I have now before me, *august* and *pure*; the abstract idea of all that would be perfect in the spirits and the aspirings of men; where the mind rises, where the heart expands; where the countenance is ever placid and benign; where her favourite attitude is to stoop to the unfortunate, to hear their cry, and to help them — to rescue and relieve, to succour and save: majestic from its mercy; venerable from its utility; uplifted without pride; firm without obduracy; beneficent in each preference; lovely though in her frown!

On that justice I rely; deliberate and sure, abstracted from all party purpose and political speculations, — not on words, but on facts! You, my lords, who hear me, I conjure by those *rights* it is

your privilege to preserve; by that *fame* it is your best pleasure to inherit; by all those *feelings* which refer to the first term in the series of existence, the *original compact* of our nature—our *controlling rank* in the creation. This is the call on all, to administer to truth and equity as they would satisfy the laws and satisfy themselves, with the most exalted bliss possible or conceivable for our nature,—the *self-approving consciousness of virtue*, when the condemnation we look for will be one of the most ample mercies accomplished for mankind since the creation of the world!

My lords, I have done!

XI
FOX



FOX

CHARLES JAMES FOX, the friend and fellow orator of Burke, Pitt, and Sheridan, has a reputation in history quite as great as any English orator of the eighteenth century; ~~but it rests more on report than on his printed speeches.~~ "It is unquestionable," says a biographer, "that as a parliamentary orator, Fox has no superiors. Yet notwithstanding many volumes contain his speeches, there is an insuperable difficulty in setting forth the secret of his oratorical greatness." It was undoubtedly his manner which won for him the reputation accorded only to the greatness of matter in orators like Burke and Chatham. Pitt spoke of him as a magician who laid a spell upon his hearers so long as words issued from his lips. "Burke did not do himself justice as a speaker," says Rogers. "His manner was hurried, and he always seemed to be in a passion. Pitt's voice sounded as if he had worsted in his mouth." But Fox had a captivating earnestness of tone and manner. Says Charles Butler, "The moment of his grandeur was when, after he had stated the argument of his adversary with much greater strength than his adversary had done, and

with much greater than his hearers thought possible, he seized it with the strength of a giant, and tore and trampled it to destruction." Sir James MacIntosh says, "Fox certainly possessed, above all moderns, that unison of reason, simplicity, and vehemence which formed the prince of orators." Burke declared that he was "the most brilliant and accomplished debater that the world ever saw." "Few men whose statesmanship is indisputable, and whose preëminence as orators is acknowledged, have surpassed Fox in the graces which soften life and attract affection. His friends regarded him with idolatry." Gibbon found blended in his attractive character "the powers of a superior man, with the softness and simplicity of a child. Perhaps no human being was ever more perfectly exempt from the taint of malevolence, vanity, or falsehood."

Fox was a clean, frank, sincere man; but he lacked the moral greatness of Burke or Chatham. His father taught him to gamble as a child, and he continued the vice through life. As a politician he was so cordially detested by George III that he found himself in the opposition the greater part of his life. Yet in spite of it all, he made a reputation not only as an orator, but as a statesman. He is the great example of the power of attractive personality in oratory.

"LET US PAUSE!"

(FROM SPEECH ON REJECTION OF BONAPARTE'S
OVERTURES FOR PEACE)

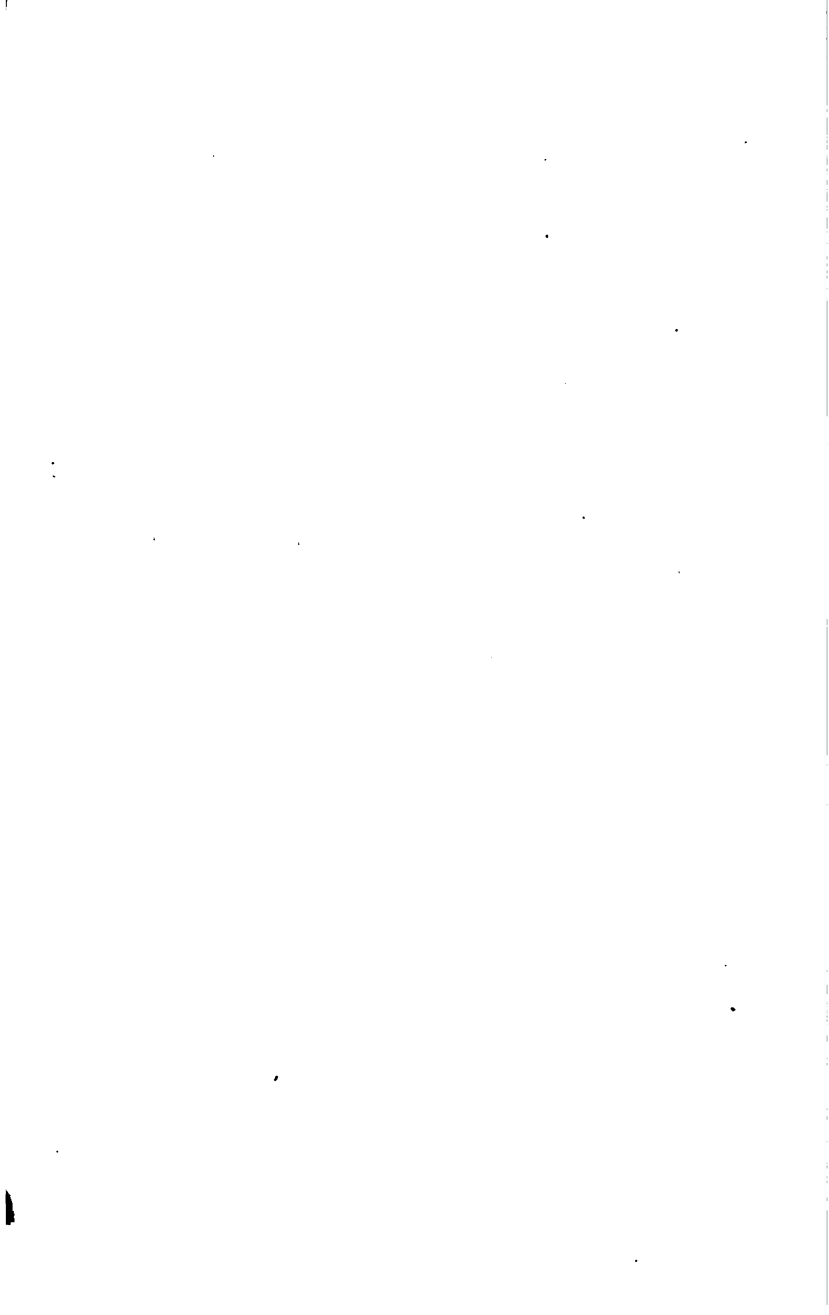
WHERE, then, sir, is this war, which on every side is pregnant with such horrors, to be carried? Where is it to stop? Not till we establish the house of Bourbon! And this you cherish the hope of doing, because you have had a successful campaign. Why, sir, before this you have had a successful campaign. The situation of the allies, with all they have gained, is surely not to be compared now to what it was when you had taken Valenciennes, Quesnoy, Condé, etc., which induced some gentlemen in this House to prepare themselves for a march to Paris. With all that you have gained, you surely will not say that the prospect is brighter now than it was then. What have you gained but the recovery of a part of what you before lost? One campaign is successful to you; another to them; and in this way, animated by the vindictive passions of revenge, hatred, and rancour, which are infinitely more flagitious, even, than those of ambition and the thirst of power, you may go on forever; as, with such black incentives, I see no end to human misery.

And all this without an intelligible motive; all this because you may gain a better peace a year or two hence! So that we are called upon to go on merely as a speculation. We must keep Bonaparte for some time longer at war, as a state of probation. Gracious God, sir! is war a state of probation? Is peace a rash system? Is it dangerous for nations

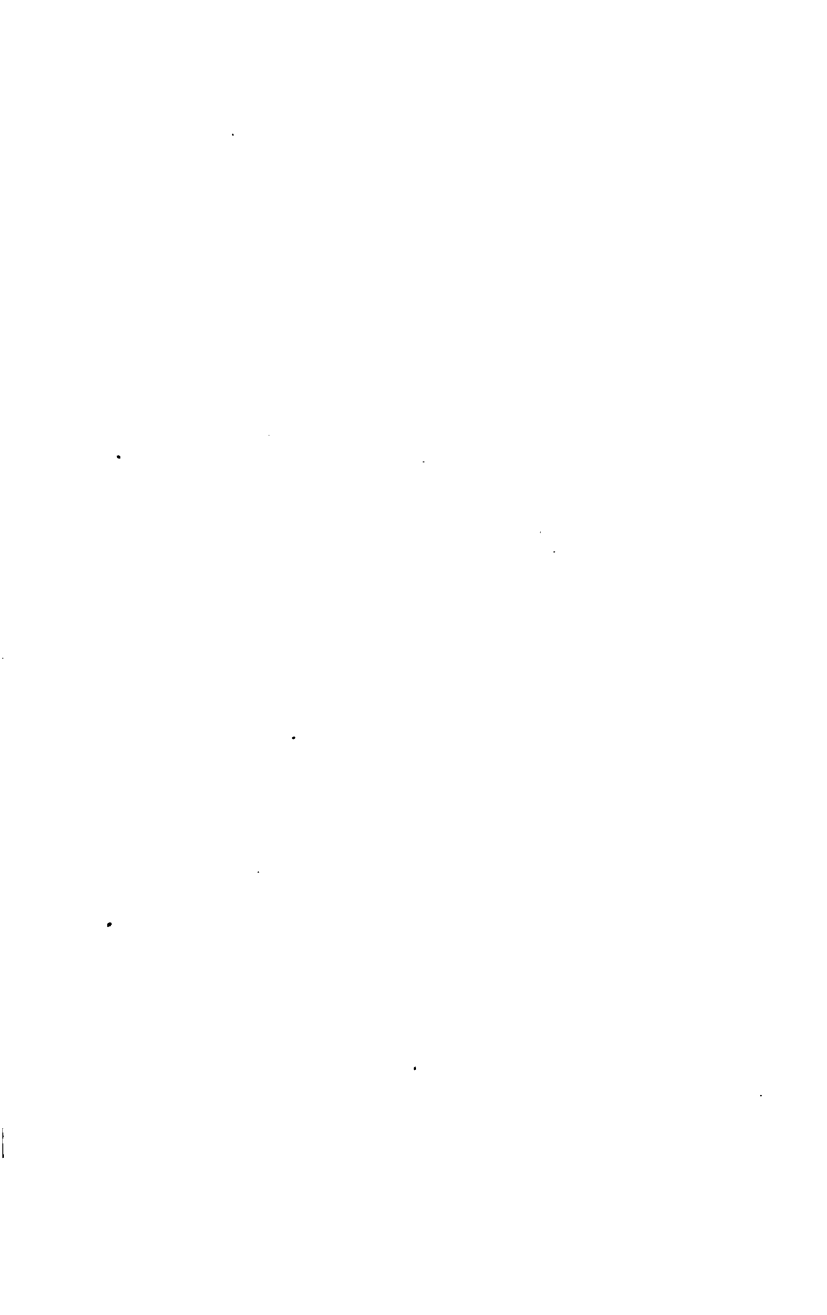
to live in amity with each other? Are your vigilance, your policy, your common powers of observation, to be extinguished by putting an end to the horrors of war? Can not this state of probation be as well undergone without adding to the catalogue of human sufferings? "But we must *pause!*" What! Must the bowels of Great Britain be torn out — her best blood spilled — her treasure wasted — that you may make an experiment? Put yourselves — oh that you would put yourselves in the field of battle, and learn to judge of the sort of horrors that you excite! In former wars a man might, at least, have some feeling, some interest, that served to balance in his mind the impressions which a scene of carnage and of death must inflict. If a man had been present at the battle of Blenheim, for instance, and had inquired the motive of the battle, there was not a soldier engaged who could not have satisfied his curiosity, and even, perhaps, allayed his feelings. They were fighting, they knew, to repress the uncontrolled ambition of the Grand Monarch. But if a man were present now at a field of slaughter, and were to inquire for what they were fighting — "Fighting!" would be the answer; "they are not fighting; they are *pausing!*" "Why is that man expiring? Why is that other writhing in agony? What means this implacable fury?" The answer must be, "You are quite wrong, sir, you deceive yourself; they are not fighting, — do not disturb them, — they are merely *pausing!* This man is not expiring with agony; that man is not dead, he is only *pausing!* Lord help you, sir, they are not angry with one another; they have now no cause to quarrel; but their country thinks that there

should be a *pause*. All that you see, sir, is nothing like fighting — there is no harm, nor cruelty, nor bloodshed in it whatever: it is nothing more than a political *pause*! It is merely to try an experiment — to see whether Bonaparte will not behave himself better than heretofore; and in the meantime we have agreed to a *pause*, in pure friendship!" And is this the way, sir, that you are to show yourselves the advocates of order? You take up a system calculated to uncivilize the world — to destroy order — to trample on religion — to stifle in the heart, not merely the generosity of noble sentiment, but the affections of social nature; and in the prosecution of this system, you spread terror and devastation all around you.

double



XII
ERSKINE



ERSKINE

LORD THOMAS ERSKINE was to the English bar what Curran was to the Irish bar. The difference in their oratory well illustrates the difference in the English and Irish character.

He was first a midshipman in the navy, as his father was too poor to buy him a commission in the army. But after his father's death he used his small patrimony in buying a second-lieutenancy in the army. He also married. He spent six months in London on leave of absence, and happening to be visiting the courts in his uniform, was invited by Lord Mansfield to a seat on the bench. Mansfield explained the points of the case to him, and Erskine was much interested. He sold out his commission, and began to study law. To reduce the usual period of five years to three, he determined to get the degree of master of arts, and matriculated at Oxford. An honorary M.A. was given him just before he was called to the bar at the age of twenty-eight (1778).

Fortune favoured him. He happened to dine at a house where he met a certain Captain Baillie, whom Lord Sandwich had charged with libel for

certain charges he had made against Greenwich hospital. Erskine spoke with indignation against the conduct of Lord Sandwich, and the next day, learning that Erskine had been to sea, Captain Baillie sent him a retainer. When the case came on, he was fourth or fifth. When he rose to speak, he says he felt as if his children were putting at his coat, reminding him that now was his chance to get them bread by making a successful speech. He launched into such a fierce attack on Lord Sandwich, that the court was entranced, and though the proceeding was utterly irregular, decision was given for his client. Never before had the spell of eloquence been allowed to influence an English judicial proceeding.

In comparing Erskine with Curran, we feel how solemn and dignified a body an English court must have been. Curran's free wit and conversational manner would never have been tolerated in England. Even Erskine's restrained and polished eloquence is looked on as revolutionary. It is such eloquence as might seem suited to practice before our own supreme court.

Like Curran, Lord Erskine made his reputation largely through his successful defence of various persons charged by the government with libel. His most famous speech is that in behalf of Stockdale, a publisher who had brought out a pamphlet by a clergyman defending Warren Hastings. Fox had denounced this pamphlet as a libel on the House of Commons, and the attor-

ney-general had thereupon been instructed to bring suit against the publisher. It was an instance of the survival of tyrannical prerogatives. Erskine ignored precedent; and when he stated the case on common-sense grounds, and in the light of constitutional British freedom, an English jury could hardly do otherwise than uphold the right of honest expression of opinion.

IN BEHALF OF JOHN STOCKDALE

(WHEN TRIED FOR A LIBEL ON THE HOUSE OF COMMONS; COURT OF THE KING'S BENCH, DECEMBER 9, 1789)

GENTLEMEN of the Jury, — Mr. Stockdale, who is brought as a criminal before you for the publication of this book, has, by employing me as his advocate, reposed what must appear to many an extraordinary degree of confidence; since, although he well knows that I am personally connected in friendship with most of those whose conduct and opinions are principally arraigned by its author, he nevertheless commits to my hands his defence and justification.

From a trust apparently so delicate and singular, vanity is but too apt to whisper an application to some fancied merit of one's own; but it is proper, for the honour of the English bar, that the world should know that such things happen to all of us daily, and of course; and that the defendant, without any knowledge of me, or any confidence that was personal, was only not afraid to follow up an acci-

dental retainer from the knowledge he has of the general character of the profession. Happy indeed is it for this country that, whatever interested divisions may characterize other places of which I may have occasion to speak to-day, however the counsels of the highest departments of the State may be occasionally distracted by personal considerations, they never enter these walls to disturb the administration of justice; whatever may be our public principles or the private habits of our lives, they never cast even a shade across the path of our professional duties. If this be the characteristic even of the bar of an English court of justice, what sacred impartiality may not every man expect from its jurors and its bench?

As, from the indulgence which the court was yesterday pleased to give to my indisposition, this information was not proceeded on when you were attending to try it, it is probable you were not altogether inattentive to what passed at the trial of the other indictment, prosecuted also by the House of Commons; and therefore, without a restatement of the same principles, and a similar quotation of authorities to support them, I need only remind you of the law applicable to this subject, as it was then admitted by the Attorney-General, in concession to my propositions, and confirmed by the higher authority of the court; namely,

First, that every information or indictment must contain such a description of the crime that the defendant may know what crime it is which he is called upon to answer.

Secondly, that the jury may appear to be warranted in their conclusion of guilty or not guilty.

And, lastly, that the court may see such a precise and definite transgression upon the record as to be able to apply the punishment which judicial discretion may dictate, or which positive law may inflict.

It was admitted also to follow as a mere corollary from these propositions, that where an information charges a writing to be composed or published of and concerning the Commons of Great Britain, with an intent to bring that body into scandal and disgrace with the public, the author cannot be brought within the scope of such a charge unless the jury, on examination and comparison of the whole matter written or published, shall be satisfied that the particular passages charged as criminal, when explained by the context, and considered as part of one entire work, were meant and intended by the author to vilify the House of Commons *as a body*, and were written of and concerning them *in Parliament assembled*.

These principles being settled, we are now to see what the present information is.

It charges that the defendant, — “unlawfully, wickedly, and maliciously devising, contriving, and intending to asperse, scandalize, and vilify the Commons of Great Britain in Parliament assembled; and most wickedly and audaciously to represent their proceedings as corrupt and unjust; and to make it believed and thought as if the Commons of Great Britain in Parliament assembled were a most wicked, tyrannical, base, and corrupt set of persons, and to bring them into disgrace with the public,” — the defendant published — what? Not those latter ends of sentences which the Attorney-General has read from his brief, as if they had followed one an-

other in order in this book; not those scraps and tails of passages which are patched together upon this record, and pronounced in one breath, as if they existed without intermediate matter in the same page and without context anywhere. No! This is not the accusation, even mutilated as it is: for the information charges that, with intention to vilify the House of Commons, the defendant published the whole book, describing it on the record by its title: "A Review of the principal Charges against Warren Hastings, Esquire, late Governor-General of Bengal"; in which, among other things, the matter particularly selected is to be found. Your inquiry, therefore, is not confined to whether the defendant published those selected parts of it, and whether, looking at them as they are distorted by the information, they carry in fair construction the sense and meaning which the innuendoes put upon them; but whether the author of the entire work — I say the author, since, if *he* could defend himself, the publisher unquestionably can — whether the author wrote the volume which I hold in my hand as a free, manly, *bonâ fide* disquisition of criminal charges against his fellow-citizen; or whether the long, eloquent discussion of them, which fills so many pages, was a mere cloak and cover for the introduction of the supposed scandal imputed to the selected passages, the mind of the writer all along being intent on traducing the House of Commons, and not on fairly answering their charges against Mr. Hastings.

This, gentlemen, is the principal matter for your consideration; and therefore, if, after you shall have taken the book itself into the chamber which

will be provided for you, and shall have read the whole of it with impartial attention — if, after the performance of this duty, you can return here, and with clear consciences pronounce upon your oaths that the impression made upon you by these pages is, that the author wrote them with the wicked, seditious, and corrupt intentions charged by the information — you have then my full permission to find the defendant guilty; but if, on the other hand, the general tenor of the composition shall impress you with respect for the author, and point him out to you as a man mistaken, perhaps, himself, but not seeking to deceive others — if every line of the work shall present to you an intelligent, animated mind, glowing with a Christian compassion towards a fellowman whom he believed to be innocent, and with a patriot zeal for the liberty of his country, which he considered as wounded through the sides of an oppressed fellow-citizen; — if *this* shall be the impression on your consciences and understandings when you are called upon to deliver your verdict; then hear from me that you not only work private injustice, but break up the press of England, and surrender her rights and liberties for ever, if you convict the defendant.

Gentlemen, to enable you to form a true judgment of the meaning of this book and of the intention of its author, and to expose the miserable juggle that is played off in the information by the combination of sentences which, in the work itself, have no bearing upon one another, I will first give you the publication as it is charged upon the record and presented by the Attorney-General in opening the case for the Crown; and I will then, by reading the

interjacent matter, which is studiously kept out of view, convince you of its true interpretation.

The information, beginning with the first page of the book, charges as a libel upon the House of Commons the following sentence: "The House of Commons has now given its final decision with regard to the merits and demerits of Mr. Hastings. The grand inquest of England have delivered their charges, and preferred their impeachment; their allegations are referred to proof; and from the appeal to the collective wisdom and justice of the nation, in the supreme tribunal of the kingdom, the question comes to be determined whether Mr. Hastings be guilty or not guilty."

It is but fair, however, to admit that this first sentence, which the most ingenious malice cannot torture into a criminal construction, is charged by the information rather as introductory to what is made to follow it than as libellous in itself; for the Attorney-General, from this introductory passage in the first page, goes on at a leap to page thirteenth, and reads, almost without a stop, as if it immediately followed the other, this sentence: "What credit can we give to multiplied and accumulated charges when we find that they originate from misrepresentation and falsehood?"

From these two passages thus standing together, without the intervenient matter which occupies thirteen pages, one would imagine that, instead of investigating the probability or improbability of the guilt imputed to Mr. Hastings; instead of carefully examining the charges of the Commons, and the defence of them which had been delivered before them, or which was preparing for the Lords; the

author had immediately, and in a moment after stating the mere fact of the impeachment, decided that the act of the Commons originated from misrepresentation and falsehood.

Gentlemen, in the same manner a veil is cast over all that is written in the next seven pages; for, knowing that the context would help to the true construction, not only of the passages charged before, but of those in the sequel of this information, the Attorney-General, aware that it would convince every man who read it that there was no intention in the author to calumniate the House of Commons, passes over, by another leap, to page twenty; and in the same manner, without drawing his breath, and as if it directly followed the two former sentences in the first and thirteenth pages, reads from page twentieth, — "An impeachment of error in judgment with regard to the quantum of a fine, and for an intention that never was executed, and never known to the offending party, characterizes a tribunal of inquisition rather than a Court of Parliament."

From this passage, by another vault, he leaps over one-and-thirty pages more, to page fifty-one, where he reads the following sentence, which he mainly relies on, and upon which I shall by and by trouble you with some observations: "Thirteen of them passed in the House of Commons, not only without investigation, but without being read; and the votes were given without inquiry, argument, or conviction. A majority had determined to impeach; opposite parties met each other, and 'jostled in the dark,' to perplex the political drama, and bring the hero to a tragic catastrophe."

From thence, deriving new vigour from every exertion, he makes his last grand stride over forty-four pages more, almost to the end of the book, charging a sentence in the ninety-fifth page.

So that, out of a volume of one hundred and ten pages, the defendant is only charged with a few scattered fragments of sentences, picked out of three or four. Out of a work consisting of about two thousand five hundred and thirty lines of manly, spirited eloquence, only forty or fifty lines are culled from different parts of it, and artfully put together, so as to rear up a libel out of a false context, by a supposed connection of sentences with one another which are not only entirely independent, but which, when compared with their antecedents, bear a totally different construction. In this manner the greatest works upon government, the most excellent books of science, the sacred Scriptures themselves, might be distorted into libel, by forsaking the general context, and hanging a meaning upon selected parts. Thus, as in the text put by Algernon Sidney, "The fool hath said in his heart, There is no God," the Attorney-General, on the principle of the present proceeding against this pamphlet, might indict the publisher of the Bible for blasphemously denying the existence of Heaven in printing, "There is no God";—these words alone, without the context, would be selected by the information, and the Bible, like this book, would be underscored to meet it; nor could the defendant, in such a case, have any possible defence, unless the jury were permitted to see, by the book itself, that the verse, instead of denying the existence of the Divinity, only imputed that imagination to a fool.

Gentlemen, having now gone through the Attorney-General's reading, the book shall presently come forward and speak for itself; but before I can venture to lay it before you, it is proper to call your attention to how matters stood at the time of its publication, without which the author's meaning and intention cannot possibly be understood.

The Commons of Great Britain, in Parliament assembled, had accused Mr. Hastings, as Governor-General of Bengal, of high crimes and misdemeanours; and their jurisdiction, for that high purpose of national justice, was unquestionably competent; but it is proper you should know the nature of this inquisitorial capacity. The Commons, in voting an impeachment, may be compared to a grand jury finding a bill of indictment for the crown: neither the one nor the other can be supposed to proceed but upon the matter which is brought before them; neither of them can find guilt without accusation, nor the truth of accusation without evidence. When, therefore, we speak of the *accuser* or *accusers* of a person indicted for any crime, although the grand jury are the prosecutors in form, by giving effect to the accusation, yet, in common parlance, we do not consider them as the responsible authors of the prosecution. If I were to write of a most wicked indictment, found against an innocent man, which was preparing for trial, nobody who read it would conceive I meant to stigmatize the grand jury that found the bill; but it would be inquired immediately, who was the prosecutor and who were the witnesses on the back of it? In the same manner I mean to contend that if this book is read with only common attention, the whole scope

of it will be discovered to be this: that, in the opinion of the author, Mr. Hastings had been accused of mal-administration in India from the heat and spleen of political divisions in Parliament, and not from any zeal for national honour or justice; that the impeachment did not originate from Government, but from a faction banded against it, which, by misrepresentation and violence, had fastened it on an unwilling House of Commons; that, prepossessed with this sentiment, — which, however unfounded, makes no part of the present business, since the publisher is not called before you for defaming individual members of the Commons, but for a contempt of the Commons as a body, — the author pursues the charges, article by article; enters into a warm and animated vindication of Mr. Hastings, by regular answers to each of them; and that, as far as the mind and soul of a man can be visible — I might almost say embodied — in his writings, his intention throughout the whole volume appears to have been to charge with injustice the private accusers of Mr. Hastings, and not the House of Commons as a body, which undoubtedly rather reluctantly gave way to, than heartily adopted, the impeachment. This will be found to be the palpable scope of the book; and no man who can read English, and who, at the same time, will have the candour and common sense to take up his impressions from what is written in it, instead of bringing his own along with him to the reading of it, can possibly understand it otherwise.

But it may be said, admitting this to be the scope and design of the author, what right had he to canvass the merits of an accusation upon the records of

the Commons, more especially while it was in the course of legal procedure? This, I confess, might have been a serious question; but the Commons, as prosecutors of this information, seem to have waived or forfeited their right to ask it. Before they sent the Attorney-General into this place to punish the publication of answers to their charges, they should have recollected that their own want of circumspection in the maintenance of their privileges, and in the protection of persons accused before them, had given to the public the charges themselves, which should have been confined to their own Journals. The course and practice of Parliament might warrant the printing of them for the use of their own members; but there the publication should have stopped, and all further progress been resisted by authority. If they were resolved to consider answers to their charges as a contempt of their privileges, and to punish the publication of them by such severe prosecutions, it would have well become them to begin first with those printers who, by publishing the charges themselves throughout the whole kingdom, or rather throughout the whole civilized world, were anticipating the passions and judgments of the public against a subject of England upon his trial, so as to make the publication of answers to them not merely a privilege, but a debt and duty to humanity and justice. The Commons of Great Britain claimed and exercised the privilege of questioning the innocence of Mr. Hastings by their impeachment; but as, however questioned, it was still to be presumed and protected until guilt was established by a judgment, he whom they had accused had an equal claim upon their justice to guard him from

prejudice and misrepresentation until the hour of trial.

Had the Commons, therefore, by the exercise of their high, necessary, and legal privileges, kept the public aloof from all canvass of their proceedings by an early punishment of printers who, without reserve or secrecy, had sent out the charges into the world from a thousand presses in every form of publication, they would have then stood upon ground to-day from whence no argument of policy or justice could have removed them; because nothing could be more incompatible with either than appeals to the many upon subjects of judicature which, by common consent, a few are appointed to determine, and which must be determined by facts and principles which the multitude have neither leisure nor knowledge to investigate. But then, let it be remembered that it is for those who have the authority to accuse and punish, to set the example of and to enforce this reserve which is so necessary for the ends of justice. Courts of law therefore, in England, never endure the publication of their records; and a prosecutor of an indictment would be attached for such a publication; and upon the same principle, a defendant would be punished for anticipating the justice of his country by the publication of his defence, the public being no party to it until the tribunal appointed for its determination be open for its decision.

Gentlemen, you have a right to take judicial notice of these matters without the proof of them by witnesses, for jurors may not only, without evidence, found their verdicts on facts that are notorious, but upon what they know privately them-

selves, after revealing it upon oath to one another, and therefore you are always to remember that this book was written when the charges against Mr. Hastings, to which it is an answer, were, to the knowledge of the Commons (for we cannot presume our watchmen to have been asleep), publicly hawked about in every pamphlet, magazine, and newspaper in the kingdom. You well know with what a curious appetite those charges were devoured by the whole public, interesting as they were, not only from their importance, but from the merit of their composition; certainly not so intended by the honourable and excellent composer to oppress the accused, but because the commonest subjects swell into eloquence under the touch of his sublime genius. Thus, by the remissness of the Commons, who are now the prosecutors of this information, a subject of England, who was not even charged with contumacious resistance to authority, much less a proclaimed outlaw, and therefore fully entitled to every security which the customs and statutes of the kingdom hold out for the protection of British liberty, saw himself pierced with the arrows of thousands and ten thousands of libels.

Gentlemen, ere I venture to lay the book before you, it must be yet further remembered (for the fact is equally notorious) that under these inauspicious circumstances the trial of Mr. Hastings at the bar of the Lords had actually commenced long before its publication.

There the most august and striking spectacle was daily exhibited which the world ever witnessed. A vast stage of justice was erected, awful from its

high authority, splendid from its illustrious dignity, venerable from the learning and wisdom of its judges, captivating and affecting from the mighty concourse of all ranks and conditions which daily flocked into it, as into a theatre of pleasure; there, when the whole public mind was at once awed and softened to the impression of every human affection, there appeared, day after day, one after another, men of the most powerful and exalted talents, eclipsing by their accusing eloquence the most boasted harangues of antiquity — rousing the pride of national resentment by the boldest invectives against broken faith and violated treaties, and shaking the bosom with alternate pity and horror by the most glowing pictures of insulted nature and humanity; ever animated and energetic from the love of fame, which is the inherent passion of genius; firm and indefatigable from a strong prepossession of the justice of their cause.

Gentlemen, when the author sat down to write the book now before you, all this terrible, unceasing, exhaustless artillery of warm zeal, matchless vigour of understanding, consuming and devouring eloquence, united with the highest dignity, was daily, and without prospect of conclusion, pouring forth upon one private, unprotected man, who was bound to hear it, in the face of the whole people of England, with reverential submission and silence. I do not complain of this, as I did of the publication of the charges, because it was what the law allowed and sanctioned in the course of a public trial; but when it is remembered that we are not angels, but weak fallible men, and that even the noble judges of that high tribunal are clothed beneath their

ermine with the common infirmities of man's nature, it will bring us all to a proper temper for considering the book itself, which will in a few moments be laid before you. But first, let me once more remind you that it was under all these circumstances, and amidst the blaze of passion and prejudice which the scene I have been endeavouring faintly to describe to you might be supposed likely to produce, that the author, whose name I will now give to you, sat down to compose the book which is prosecuted to-day as a libel.

The history of it is very short and natural.

The Rev. Mr. Logan, minister of the gospel at Leith, in Scotland, a clergyman of the purest morals, and, as you will see by and by, of very superior talents, well acquainted with the human character, and knowing the difficulty of bringing back public opinion after it is settled on any subject, took a warm, unbought, unsolicited interest in the situation of Mr. Hastings, and determined, if possible, to arrest and suspend the public judgment concerning him. He felt for the situation of a fellow-citizen exposed to a trial which, whether right or wrong, is undoubtedly a severe one; a trial certainly not confined to a few criminal acts like those we are accustomed to, but comprehending the transactions of a whole life, and the complicated policies of numerous and distant nations; a trial which had neither visible limits to its duration, bounds to its expense, nor circumscribed compass for the grasp of memory or understanding; a trial which had therefore broken loose from the common forms of decision, and had become the universal topic of discussion in the world, superseding not only

every other grave pursuit, but every fashionable dissipation.

Gentlemen, the question you have therefore to try upon all this matter is extremely simple. It is neither more nor less than this: At a time when the charges against Mr. Hastings were, by the implied consent of the Commons, in every hand and on every table; when, by their managers, the lightning of eloquence was incessantly consuming him, and flashing in the eyes of the public; when every man was, with perfect impunity, saying, and writing, and publishing just what he pleased of the supposed plunderer and devastator of nations;—would it have been criminal in Mr. Hastings himself to remind the public that he was a native of this free land, entitled to the common protection of her justice, and that he had a defence, in his turn, to offer to them, the outlines of which he implored them in the mean time to receive, as an antidote to the unlimited and unpunished poison in circulation against him? This is, without colour or exaggeration, the true question you are to decide; because I assert, without the hazard of contradiction, that if Mr. Hastings himself could have stood justified or excused in your eyes for publishing this volume in his own defence, the author, if he wrote it *bonâ fide* to defend him, must stand equally excused and justified; and if the author be justified, the publisher cannot be criminal, unless you have evidence that it was published by him with a different spirit and intention from those in which it was written. The question, therefore, is correctly what I just now stated it to be: Could Mr. Hastings have been condemned to infamy for writing this book?

Gentlemen, I tremble with indignation to be driven to put such a question in England. Shall it be endured that a subject of this country, instead of being arraigned and tried for some single act in her ordinary courts (where the accusation, as soon at least as it is made public, is followed within a few hours by the decision), may be impeached by the Commons for the transactions of twenty years; that the accusation shall spread as wide as the region of letters; that the accused shall stand, day after day, and year after year, as a spectacle before the public, which shall be kept in a perpetual state of inflammation against him; yet that he shall not, without the severest penalties, be permitted to submit anything to the judgment of mankind in his defence? If this be law (which it is for you to-day to decide), such a man has no trial. This great hall, built by our fathers for English justice, is no longer a court, but an altar; and an Englishman, instead of being judged in it by God and his country, is a victim and a sacrifice.

You will carefully remember that I am not presuming to question either the right or duty of the Commons of Great Britain to impeach; neither am I arraigning the propriety of their selecting, as they have done, the most extraordinary persons for ability which the age has produced to manage their impeachment. Much less am I censuring the managers themselves, charged with the conduct of it before the Lords, who are undoubtedly bound, by their duty to the House and to the public, to expiate upon the crimes of the persons whom they had accused. None of these points are questioned by me, nor are in this place questionable. I desire

only to have it decided whether — if the Commons, when national expediency happens to call, in their judgment, for an impeachment, shall, instead of keeping it on their own records, and carrying it with due solemnity to the Peers for trial, permit it, without censure and punishment, to be sold like a common newspaper in the shop of my client, so crowded with their own members that no plain man, without privilege of Parliament, can hope even for the sight of the fire in a winter's day, every man buying it, reading it, and commenting upon it — the gentleman himself who is the object of it, or his friend in his absence, may not, without stepping beyond the bounds of English freedom, put a copy of what is thus published into his pocket, and send back to the very same shop for publication a *bonâ fide*, rational, able answer to it, in order that the bane and antidote may circulate together, and the public be kept straight till the day of decision? If you think, gentlemen, that this common duty of self-preservation in the accused himself, which nature writes as a law upon the hearts of even savages and brutes, is nevertheless too high a privilege to be enjoyed by an impeached and suffering Englishman; or if you think it beyond the offices of humanity and justice, when brought home to the hand of a brother or a friend, you will say so by your verdict of guilty; the decision will then be yours, and the consolation mine, that I have laboured to avert it. A very small part of the misery which will follow from it is likely to light upon me; the rest will be divided among yourselves and your children.

Gentlemen, I observe plainly, and with infinite

satisfaction, that you are shocked and offended at my even supposing it possible you should pronounce such a detestable judgment, and that you only require of me to make out to your satisfaction, as I promised, that the real scope and object of this book is a *bonâ fide* defence of Mr. Hastings, and not a cloak and cover for scandal on the House of Commons. I engage to do this, and I engage for nothing more. I shall make an open, manly defence. I mean to torture no expressions from their natural constructions; to dispute no innuendoes on the record, should any of them have a fair application; nor to conceal from your notice any unguarded, intemperate expressions which may, perhaps, be found to chequer the vigorous and animated career of the work. Such a conduct might, by accident, shelter the defendant; but it would be the surrender of the very principle on which alone the liberty of the English press can stand, and I shall never defend any man from a temporary imprisonment by the permanent loss of my own liberty, and the ruin of my country. I mean, therefore, to submit to you that, though you should find a few lines in page thirteen or twenty-one, a few more in page fifty-one, and some others in other places, containing expressions bearing on the House of Commons, even as a body, which if written as independent paragraphs by themselves, would be indefensible libels, yet that you have a right to pass them over in judgment, provided the substance clearly appears to be a *bonâ fide* conclusion, arising from the honest investigation of a subject which it was lawful to investigate, and the questionable expressions the visible effusion of a zealous temper engaged in an

honourable and legal pursuit. After this preparation, I am not afraid to lay the book in its genuine state before you.

[Erskine proceeds to take up the libellous passages one by one in order.]

Gentlemen, I wish that my strength would enable me to convince you of the author's singleness of intention, and of the merit and ability of his work, by reading the whole that remains of it. But my voice is already nearly exhausted; I am sorry my client should be a sufferer by my infirmity. One passage, however, is too striking and important to be passed over; the rest I must trust to your private examination. The author having discussed all the charges, article by article, sums them all up with this striking appeal to his readers:—

“The authentic statement of facts which has been given, and the arguments which have been employed, are, I think, sufficient to vindicate the character and conduct of Mr. Hastings, even on the maxims of European policy. When he was appointed Governor-General of Bengal he was invested with a discretionary power to promote the interests of the India Company and of the British Empire in that quarter of the globe. The general instructions sent to him from his constituents were, *‘That in all your deliberations and resolutions, you make the safety and prosperity of Bengal your principal object, and fix your attention on the security of the possessions and revenues of the Company.’* His superior genius sometimes acted in the spirit, rather than complied with the letter of the law; but he discharged the trust, and preserved the empire committed to his care in the same way, and with

greater splendour and success than any of his predecessors in office; his departure from India was marked with the lamentations of the natives and the gratitude of his countrymen; and, on his return to England, he received the cordial congratulations of that numerous and respectable society whose interests he had promoted, and whose dominions he had protected and extended."

Gentlemen of the Jury, if this be a wilfully false account of the instructions given to Mr. Hastings for his government, and of his conduct under them, the author and the publisher of this defence deserve the severest punishment for a mercenary imposition on the public. But if it be true that he was directed to make the safety and prosperity of Bengal the first object of his attention, and that under his administration it has been safe and prosperous; if it be true that the security and preservation of our possessions and revenues in Asia were marked out to him as the great leading principle of his government, and that those possessions and revenues, amidst unexampled dangers, have been secured and preserved; then a question may be unaccountably mixed with your consideration much beyond the consequence of the present prosecution, involving, perhaps, the merit of the impeachment itself which gave it birth; a question which the Commons, as prosecutors of Mr. Hastings, should in common prudence have avoided, unless, regretting the unwieldy length of their proceedings against him, they wished to afford him the opportunity of this strange, anomalous defence; since although I am neither his counsel, nor desire to have anything to do with his guilt or innocence, yet in the collateral defence of

my client I am driven to state matter which may be considered by many as hostile to the impeachment. For if our dependencies have been secured, and their interests promoted, I am driven in the defence of my client to remark that it is mad and preposterous to bring to the standard of justice and humanity the exercise of a dominion founded upon violence and terror. It may and must be true that Mr. Hastings has repeatedly offended against the rights and privileges of Asiatic government, if he was the faithful deputy of a power which could not maintain itself for an hour without trampling upon both; he may and must have offended against the laws of God and nature if he was the faithful viceroy of an empire wrested in blood from the people to whom God and nature had given it; he may and must have preserved that unjust dominion over timorous and abject nations by a terrifying, overbearing, insulting superiority, if he was the faithful administrator of your government, which, having no root in consent or affection, no foundation in similarity of interests, no support from any one principle which cements men together in society, could be upheld only by alternate stratagem and force. The unhappy people of India, feeble and effeminate as they are from the softness of their climate, and subdued and broken as they have been by the knavery and strength of civilization, still occasionally start up in all the vigour and intelligence of insulted nature. To be governed at all, they must be governed with a rod of iron; and our empire in the East would long since have been lost to Great Britain if civil skill and military prowess had not united their efforts to support an authority which Heaven never gave, by means which it never can sanction.

Gentlemen, I think I can observe that you are touched with this way of considering the subject, and I can account for it. I have not been considering it through the cold medium of books, but have been speaking of man and his nature, and of human dominion, from what I have seen of them myself amongst reluctant nations submitting to our authority. I know what they feel, and how such feelings can alone be repressed. I have heard them in my youth from a naked savage, in the indignant character of a prince surrounded by his subjects, addressing the governor of a British colony, holding a bundle of sticks in his hand as the notes of his unlettered eloquence. "Who is it," said the jealous ruler over the desert encroached upon by the restless foot of English adventure, — "who is it that causes this river to rise in the high mountains, and to empty itself into the ocean? Who is it that causes to blow the loud winds of winter, and that calms them again in the summer? Who is it that rears up the shade of these lofty forests, and blasts them with the quick lightning at his pleasure? The same Being who gave to you a country on the other side of the waters, and gave ours to us; and by this title we will defend it," said the warrior, throwing down his tomahawk upon the ground, and raising the war-sound of his nation. These are the feelings of subjugated man all round the globe; and, depend upon it, nothing but fear will control where it is vain to look for affection.

These reflections are the only antidotes to those anathemas of superhuman eloquence which have lately shaken the walls that surround us, but which it unaccountably falls to my province, whether I

will or no, a little to stem the torrent of by reminding you that you have a mighty sway in Asia which cannot be maintained by the finer sympathies of life, or the practice of its charities and affections. What will they do for you when surrounded by two hundred thousand men, with artillery, cavalry, and elephants, calling upon you for their dominions which you have robbed them of? Justice may, no doubt, in such a case forbid the levying of a fine to pay a revolting soldiery; a treaty may stand in the way of increasing a tribute to keep up the very existence of the government; and delicacy for women may forbid all entrance into a zenana for money, whatever may be the necessity for taking it. All these things must ever be occurring. But under the pressure of such constant difficulties, so dangerous to national honour, it might be better, perhaps, to think of effectually securing it altogether, by recalling our troops and our merchants, and abandoning our Oriental empire. Until this be done, neither religion nor philosophy can be pressed very far into the aid of reformation and punishment. If England, from a lust of ambition and dominion, will insist on maintaining despotic rule over distant and hostile nations, beyond all comparison more numerous and extended than herself, and gives commission to her viceroys to govern them with no other instructions than to preserve them, and to secure permanently their revenues; with what colour of consistency or reason can she place herself in the moral chair, and affect to be shocked at the execution of her own orders; advert to the exact measure of wickedness and injustice necessary to their execution, and complaining only of the excess as the immorality; consider-

ing her authority as a dispensation for breaking the commands of God, and the breach of them as only punishable when contrary to the ordinances of man?

Such a proceeding, gentlemen, begets serious reflections. It would be better perhaps for the masters and the servants of all such governments to join in supplication that the great Author of violated humanity may not confound them together in one common judgment.

Gentlemen, I find, as I said before, I have not sufficient strength to go on with the remaining parts of the book. I hope, however, that notwithstanding my omissions, you are now completely satisfied that whatever errors or misconceptions may have misled the writer of these pages, the justification of a person whom he believed to be innocent, and whose accusers had themselves appealed to the public, was the single object of his contemplation. If I have succeeded in that object, every purpose which I had in addressing you has been answered.

It only now remains to remind you that another consideration has been strongly pressed upon you, and, no doubt, will be insisted on in reply. You will be told that the matters which I have been justifying as legal, and even meritorious, have therefore not been made the subject of complaint; and that whatever intrinsic merit parts of the book may be supposed or even admitted to possess, such merit can afford no justification to the selected passages, some of which, even with the context, carry the meaning charged by the information, and which are indecent animadversions on authority. To this I would answer (still protesting as I do against the

application of any one of the innuendoes), that if you are firmly persuaded of the singleness and purity of the author's intentions, you are not bound to subject him to infamy because, in the zealous career of a just and animated composition, he happens to have tripped with his pen into an intemperate expression in one or two instances of a long work. If this severe duty were binding on your consciences, the liberty of the press would be an empty sound, and no man could venture to write on any subject, however pure his purpose, without an attorney at one elbow and a counsel at the other.

From minds thus subdued by the terrors of punishment there could issue no works of genius to expand the empire of human reason, nor any masterly compositions on the general nature of government, by the help of which the great commonwealths of mankind have founded their establishments; much less any of those useful applications of them to critical conjunctures by which, from time to time, our own constitution, by the exertion of patriotic citizens, has been brought back to its standard. Under such terrors, all the great lights of science and civilization must be extinguished; for men cannot communicate their free thoughts to one another with a lash held over their heads. It is the nature of everything that is great and useful, both in the animate and the inanimate world, to be wild and irregular; and we must be contented to take them with the alloys which belong to them, or live without them. Genius breaks from the fetters of criticism; but its wanderings are sanctioned by its majesty and wisdom, when it advances in its path. Subject it to the critic, and you tame it into dulness. Mighty rivers break down

their banks in the winter, sweeping away to death the flocks which are fattened on the soil that they fertilize in the summer; the few may be saved by embankments from drowning, but the flock must perish for hunger. Tempests occasionally shake our dwellings and dissipate our commerce; but they scourge before them the lazy elements which, without them, would stagnate into pestilence. In like manner Liberty herself, the last and best gift of God to his creatures, must be taken just as she is: you might pare her down into bashful regularity, and shape her into a perfect model of severe, scrupulous law, but she would then be Liberty no longer; and you must be content to die under the lash of this inexorable justice which you had exchanged for the banners of Freedom.

If it be asked where the line to this indulgence and impunity is to be drawn, the answer is easy. The liberty of the press, on *general* subjects, comprehends and implies as much strict observance of positive law as is consistent with perfect purity of intention and equal and useful society. What that latitude is cannot be promulgated in the abstract, but must be judged of in the particular instance; and consequently, upon this occasion, must be judged of by you without forming any possible precedent for any other case; and where can the judgment be possibly so safe as with the members of that society which alone can suffer if the writing is calculated to do mischief to the public? You must, therefore, try the book by that criterion, and say whether the publication was premature and offensive; or, in other words, whether the publisher was bound to suppress it until the public ear was

anticipated and abused, and every avenue to the human heart or understanding secured and blocked up. I see around me those by whom, by and by, Mr. Hastings will be most ably and eloquently defended; but I am sorry to remind my friends that, but for the right of suspending the public judgment concerning him till their season of exertion comes round, the tongues of angels would be insufficient for the task.

Gentlemen, I hope I have now performed my duty to my client — I sincerely hope that I have; for, certainly, if ever there was a man pulled the other way by his interests and affections, if ever there was a man who should have trembled at the situation in which I have been placed on this occasion, it is myself, who not only love, honour, and respect, but whose future hopes and preferments are linked, from free choice, with those who, from the mistakes of the author, are treated with great severity and injustice. These are strong retardments; but I have been urged on to activity by considerations which can never be inconsistent with honourable attachments, either in the political or the social world—the love of justice and of liberty, and a zeal for the constitution of my country, which is the inheritance of our posterity, of the public, and of the world. These are the motives which have animated me in defence of this person, who is an entire stranger to me; whose shop I never go to; and the author of whose publication — or Mr. Hastings, who is the object of it — I never spoke to in my life.

One word more, gentlemen, and I have done. Every human tribunal ought to take care to ad-

minister justice as we look hereafter to have justice administered to ourselves. Upon the principle on which the Attorney-General prays sentence upon my client — God have mercy upon us! Instead of standing before him in judgment with the hopes and consolations of Christians, we must call upon the mountains to cover us; for which of us can present, for omniscient examination, a pure, unspotted, and faultless course? But I humbly expect that the benevolent Author of our being will judge us as I have been pointing out for your example. Holding up the great volume of our lives in his hands, and regarding the general scope of them — if he discover benevolence, charity, and good-will to man beating in the heart, where he alone can look; if he find that our conduct, though often forced out of the path by our infirmities, has been in general well directed; his all-searching eye will assuredly never pursue us into those little corners of our lives, much less will his justice select them for punishment without the general context of our existence, by which faults may be sometimes found to have grown out of virtues, and very many of our heaviest offences to have been grafted by human imperfection upon the best and kindest of our affections. No, gentlemen, believe me, this is not the course of divine justice, or there is no truth in the Gospels of Heaven. If the general tenor of a man's conduct be such as I have represented it, he may walk through the shadow of death, with all his faults about him, with as much cheerfulness as in the common paths of life; because he knows that, instead of a stern accuser to expose before the Author of his nature those frail passages which,

like the scored matter in the book before you, checker the volume of the brightest and best-spent life, his mercy will obscure them from the eye of his purity, and our repentance blot them out for ever.

All this would, I admit, be perfectly foreign and irrelevant if you were sitting here in a case of property between man and man, where a strict rule of law must operate, or there would be an end of civil life and society. It would be equally foreign, and still more irrelevant, if applied to those shameful attacks upon private reputation which are the bane and disgrace of the press; by which whole families have been rendered unhappy during life by aspersions cruel, scandalous, and unjust. Let such libellers remember that no one of my principles of defence can, at any time, or upon any occasion, ever apply to shield them from punishment; because such conduct is not only an infringement of the rights of men, as they are defined by strict law, but is absolutely incompatible with honour, honesty, or mistaken good intention. On such men let the Attorney-General bring forth all the artillery of his office, and the thanks and blessings of the whole public will follow him. But this is a totally different case. Whatever private calumny may mark this work, it has not been made the subject of complaint, and we have therefore nothing to do with that, nor any right to consider it. We are trying whether the public could have been considered as offended and endangered if Mr. Hastings himself, in whose place the author and publisher have a right to put themselves, had, under all the circumstances which have been considered, composed and

published the volume under examination. That question cannot, in common sense, be anything resembling a question of law, but is a pure question of fact, to be decided on the principles which I have humbly recommended. I therefore ask of the court that the book itself may now be delivered to you. Read it with attention, and as you shall find it, pronounce your verdict.

XIII
HENRY

PATRICK HENRY

PATRICK HENRY was preëminently what is called a "natural orator." When he made his first appearance in a Virginia court-room, in what was called the "Parsons' case," he started out very badly, and seemed on the point of making a fool of himself. His father, who was the presiding judge, hung his head in shame. But a sudden genius seemed to awaken in him. He had been brooding upon a thought that had taken possession of him, that the dearest rights of the people were being attacked, and he suddenly burst into a flood of oratory that completely carried the day.¹

¹ The case was this: By law it was provided that the salary of the clergy should be 16,000 lb. of tobacco. On account of a drought it became impossible for people to pay their tobacco debts in tobacco, and the Virginia Assembly passed a law providing that tobacco debts might be paid in currency at the rate of two pence a pound. The same condition was continued another year because of another drought. The price of tobacco was much higher than this, and the clergy wanted the full value of 16,000 lb. of tobacco. The Rev. Patrick Henry, uncle of the orator, was one of the clergymen who wished the act nullified. In the case now before the court it had already been determined that the act of the Assembly was unconstitutional, and all that remained was for a jury to return damages to an amount equal to the actual difference of salary. The defence had little hope of securing a verdict, and the effect of Henry's speech in completely turning the tide was therefore all the more remarkable.

The result of Henry's first brilliant essay in forensic oratory established him in his profession, and he continued to practise in the Virginia courts with great success to the end of his life, though he was by no means an accomplished lawyer.

His reputation rests on his patriotic speeches, however. He was a member of the House of Burgesses of Virginia, a member of the convention which advised a Continental Congress, and a member of that Congress when it was organized. Yet he was not a statesman in the highest sense of that word, and took no special part in the organization or leadership of the Revolutionary forces. His mission seemed to be as a patriotic stimulus. His most famous speech, ending "Give me liberty or give me death!" was delivered in the second Virginia Convention, which met in March, 1775. It is probable that no more effective appeal to patriotism was ever made.

Henry Ward Beecher once said that when he got up to speak he went into a sort of trance. He didn't know what he said precisely, and when after the speech some one asked him the meaning of some statement he had made, he was obliged to own that he did not know, and would have to wait until he could see the report of his speech the next day before he could say anything about it. Patrick Henry seems to have been eminently a "trance" orator. His patriotic emotions completely possessed him, and he made them possess his auditors as completely.

The reports of Patrick Henry's speeches are even less satisfactory than those of Chatham, Fox, and Sheridan. Only a few fragments remain in any form that can be accepted as the actual words of the orator. The best authenticated passage, however, is the one that was undoubtedly his greatest — quoted here as fully as we find it in his biography.

“GIVE ME LIBERTY OR GIVE ME
DEATH”

MR. PRESIDENT: It is natural for man to indulge in the illusions of hope. We are apt to shut our eyes against a painful truth, and listen to the song of that siren till she transforms us into beasts. Is this the part of wise men, engaged in a great and arduous struggle for liberty?

Are we disposed to be of the number of those who, having eyes, see not, and having ears, hear not, the things which so nearly concern their temporal salvation? For my part, whatever anguish of spirit it may cost, I am willing to know the whole truth; to know the worst, and to provide for it.

I have but one lamp by which my feet are guided; and that is the lamp of experience. I know of no way of judging of the future but by the past. And, judging by the past, I wish to know what there has been in the conduct of the British ministry for the last ten years, to justify those hopes with which gentlemen have been pleased to solace themselves and the House?

Is it that insidious smile with which our petition has been lately received? Trust it not, ~~sir~~; it will prove a snare to your feet. Suffer not yourselves to be betrayed with a kiss. Ask yourselves how this gracious reception of our petition comports with those warlike preparations which cover our waters and darken our land.

Are fleets and armies necessary to a work of love and reconciliation? Have we shown ourselves so unwilling to be reconciled, that force must be called in to win back our love? Let us not deceive ourselves, sir. These are the implements of war and subjugation, — the last arguments to which kings resort.

I ask gentlemen, sir, what means this martial array, if its purpose be not to force us to submission? Can gentlemen assign any other possible motive for it? Has Great Britain any enemy in this quarter of the world, to call for all this accumulation of navies and armies? No, sir, she has none. They are meant for us; they can be meant for no other.

They are sent over to bind and rivet upon us those chains which the British ministry have been so long forging. And what have we to oppose to them? Shall we try argument? Sir, we have been trying that for the last ten years. Have we anything new to offer upon the subject? Nothing. We have held the subject up in every light of which it is capable; but it has been all in vain.

Shall we resort to entreaty and humble supplication? What terms shall we find, which have not been already exhausted? Let us not, I beseech you, sir, deceive ourselves longer. Sir, we have done

everything that could be done, to avert the storm which is now coming on. We have petitioned, we have remonstrated, we have supplicated; we have prostrated ourselves before the throne, and have implored its interposition to arrest the tyrannical hands of the ministry and Parliament.

Our petitions have been slighted; our remonstrances have produced additional violence and insult; our supplications have been disregarded; and we have been spurned, with contempt, from the foot of the throne. In vain, after these things, may we indulge the fond hope of peace and reconciliation. There is no longer any room for hope.

If we wish to be free; if we mean to preserve inviolate those inestimable privileges for which we have been so long contending; if we mean not basely to abandon the noble struggle in which we have been so long engaged, and which we have pledged ourselves never to abandon until the glorious object of our contest shall be obtained, — we must fight! — I repeat it, sir, we must fight! An appeal to arms, and to the God of hosts, is all that is left us.

They tell us, ~~sir~~, that we are weak, — unable to cope with so formidable an adversary. But when shall we be stronger? Will it be the next week, or the next year? Will it be when we are totally disarmed, and when a British guard shall be stationed in every house?

Shall we gather strength by irresolution and inaction? Shall we acquire the means of effectual resistance by lying supinely on our backs, and hugging the delusive phantom of hope, until our enemies shall have bound us hand and foot?

Sir, we are not weak, if we make a proper use of those means which the God of nature hath placed in our power. Three millions of people, armed in the holy cause of Liberty, and in such a country as that which we possess, are invincible by any force which our enemy can send against us.

◀ Besides, sir, we shall not fight our battles alone. There is a just God, who presides over the destinies of nations, and who will raise up friends to fight our battles for us. The battle, sir, is not to the strong alone; it is to the vigilant, the active, the brave. Besides, sir, we have no election. If we were base enough to desire it, it is now too late to retire from the contest.▶

There is no retreat but in submission and slavery! Our chains are forged. Their clanking may be heard on the plains of Boston! The war is inevitable, — and let it come! I repeat it, sir, let it come! It is vain, ~~sir~~, to extenuate the matter. Gentlemen may cry, Peace, peace! but there is no peace. The war has actually begun!

The next gale that sweeps from the north will bring to our ears the clash of resounding arms! Our brethren are already in the field! Why stand we here idle? What is it that the gentlemen wish? what would they have? Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God. I know not what course others may take, but, as for me, give me liberty, or give me death!

XIV
WEBSTER



WEBSTER

IT may at first seem an exaggeration to speak of Daniel Webster as the second of the world's orators, but after careful consideration the present writer is inclined to give him that place. In no single quality was he supreme; but he combines in a high degree of perfection all the great qualities which have made one and another orator world-famous. He has not the broad basis of culture which Cicero had, and he has not so perfect and complete a mastery of the arts of rhetoric and language; but he certainly had a more masterly mind, and he spoke to much more practical purpose than Cicero ever did, for Cicero was not much of a patriot, and not a lawyer of the highest type. In ornate use of language, magnificence of diction, and profundity of thought, Burke is unsurpassed by any orator, ancient or modern; but Burke was not a winning speaker, and he had a faculty for being often on the wrong side of the question. Chatham was passionate, energetic, and statesmanlike; but he failed as a debater, and in the mere arts of rhetoric was surpassed by a number of oratorical stars of his own nation and century. Fox was a winning speaker and a powerful de-

bater; but he lacked moral weight, and his mind did not grasp in their entirety the deep questions of law and politics. Erskine was a forensic orator of the first water, but he was not even a masterly lawyer, and he failed to make any impression whatever as a parliamentary speaker. Webster, however, was all these, not in a supreme, but certainly in a very high degree. He had a broad and vital culture, a musical and polished diction, and an admirable knowledge of all the artifices of rhetoric; he was also a great (indeed one of the very greatest) constitutional lawyers — greater, in fact, than any of the great names I have mentioned above; he was a forensic orator fully equal to Erskine, and what is more, he did more than most judges to interpret and establish the law; he was a magnificent deliberative speaker and debater, rivalling Fox, Grattan, and Pitt; he was eminently successful as an “occasional” orator, as an entertaining speaker, rivalling the ancient Greeks in this respect. It is true that he did not have the moral strength and fire of Chatham; nor the ever ready and quick brilliancy of Fox; nor the splendid diction and profound culture of Burke: but he was superior to each one of these in every respect except the one in which each excelled, and it would be impossible to find any other orator since Demosthenes who combined so many splendid qualities. Indeed, in certain respects (opulence of diction, lightness of touch, impressiveness of

personal presence, he was superior to Demosthenes himself.

Webster is not without his defects, however. His mind was greater than his soul; his ability as a constitutional lawyer was greater than his ability as a constructive statesman. He has not the gigantic moral force that we find in either Burke or Chatham. His style is not as simple as that of Demosthenes — not by a long way; and he wasted too much magnificent style on minor matters. Even in the great speech in reply to Hayne, while the constitutional argument is almost flawless, there is, especially in the early part, a peculiarly American lack of depth, and of the broad, sympathetic comprehension of life in its totality.

While we have compared Webster especially with Demosthenes, his style is more nearly modelled on that of Cicero. In musical quality he is probably surpassed by Cicero alone. He uses his rhetorical devices as easily and effectively as Cicero did; and he is by no means so diffuse. In short, he has the art of Cicero, with more manly strength, more simplicity, and more patriotic statesmanship.

He made his reputation as a lawyer in the so-called Dartmouth College case; but it was X his speech at the laying of the corner stone at Bunker Hill that established his national reputation as an orator. This was greatly strengthened by his speech at Plymouth. His Reply to Hayne

is by every one acknowledged to be his masterpiece.

Hayne was the first to state clearly and distinctly and openly the South Carolina doctrine of nullification — the right of a State to set aside any act of the United States which it considered unconstitutional. Hayne's speech was inspired by Calhoun, and Webster had been preparing himself to meet the dangerous doctrine. He had heard it in private, he had been thinking about it for some time, and he realized that a great occasion had arrived. All the oratory in the Senate up to this time had been Southern. The South hardly believed that the North could produce an orator. Hayne therefore attacked New England, and Massachusetts especially, and in short did everything he could to bait the lion. His speech was so fine that the friends of Webster feared he would not prove equal to it. Spectators had flocked to Washington from all parts of the country to hear this great debate, which had already lasted for many days. When the final day arrived, the galleries of the Senate Chamber were packed, and every available spot on the floor of the Senate itself was taken by members of the House of Representatives and others. All hung breathlessly upon the moment, wondering if the lion of the North, "Black Dan Webster," would be equal to the occasion. He had not finished his splendid exordium in the first few minutes of his speech before the mists began to rise, and every

one within hearing of his voice knew that he was about to make a splendid triumph. Even the close legal argument which constituted the last half of his oration was listened to by all, including women and children, with breathless interest. The burst of patriotism with which the great speech closed equalled, if it did not surpass, the famous address of Patrick Henry, "Give me liberty or give me death!"

Webster's speech was not only a power when it was delivered, but it has continued to be a power as it has been read by millions in the years since then, and has been declaimed by thousands of schoolboys. With the solitary exception of Edmund Burke, no other English orator has left a complete speech that will at all compare with this. The fame of Fox and that of Chatham rest on tradition and report, supplemented by a few fragments; but Webster we may test any day by simply turning to numerous volumes in which his words are accurately and fully printed. In this respect, though he was an extemporary speaker, he has the advantages of the ancients who wrote out their speeches in advance.

PLYMOUTH ORATION

(THE OPENING AND THE CLOSE)

LET us rejoice that we behold this day. Let us be thankful that we have lived to see the bright and happy breaking of the auspicious morn

which commences the third century of the history of New England. Auspicious, indeed, — bringing a happiness beyond the common allotment of Providence to men, — full of present joy, and gilding with bright beams the prospect of futurity, is the dawn that awakens us to the commemoration of the landing of the Pilgrims.

Living at an epoch which naturally marks the progress of the history of our native land, we have come hither to celebrate the great event with which that history commenced. For ever honoured be this, the place of our fathers' refuge! For ever remembered the day which saw them, weary and distressed, broken in everything but spirit, poor in all but faith and courage, at last secure from the dangers of wintry seas, and impressing this shore with the first footsteps of civilized man!

It is a noble faculty of our nature which enables us to connect our thoughts, our sympathies, and our happiness with what is distant in place or time; and, looking before and after, to hold communion at once with our ancestors and our posterity. Human and mortal although we are, we are nevertheless not mere insulated beings, without relation to the past or the future. Neither the point of time, nor the spot of earth, in which we physically live, bounds our rational and intellectual enjoyments. We live in the past by a knowledge of its history; and in the future, by hope and anticipation. By ascending to an association with our ancestors; by contemplating their example and studying their character; by partaking their sentiments, and imbibing their spirit; by accompanying them in their toils, by sympathizing in their sufferings, and rejoicing in

their successes and their triumphs, — we seem to belong to their age, and to mingle our own existence with theirs. We become their contemporaries, live the lives which they lived, endure what they endured, and partake in the rewards which they enjoyed. And in like manner, by running along the line of future time, by contemplating the probable fortunes of those who are coming after us, by attempting something which may promote their happiness, and leave some not dishonourable memorial of ourselves for their regard when we shall sleep with the fathers, we protract our own earthly being, and seem to crowd whatever is future, as well as all that is past, into the narrow compass of our earthly existence. As it is not a vain and false, but an exalted and religious imagination, which leads us to raise our thoughts from the orb which, amidst this universe of worlds, the Creator has given us to inhabit, and to send them with something of the feeling which nature prompts, and teaches to be proper among children of the same Eternal Parent, to the contemplation of the myriads of fellow-beings with which his goodness has peopled the infinite of space; so neither is it false or vain to consider ourselves as interested and connected with our whole race, through all time; allied to our ancestors; allied to our posterity; closely compacted on all sides with others; ourselves being but links in the great chain of being which begins with the origin of our race, runs onward through its successive generations, binding together the past, the present, and the future, and terminating at last, with the consummation of all things earthly, at the throne of God.

There may be, and there often is, indeed, a regard for ancestry, which nourishes only a weak pride; as there is also a care for posterity, which only disguises an habitual avarice, or hides the workings of a low and grovelling vanity. But there is also a moral and philosophical respect for our ancestors, which elevates the character and improves the heart. Next to the sense of religious duty and moral feeling, I hardly know what should bear with stronger obligation on a liberal and enlightened mind than a consciousness of alliance with excellence which is departed; and a consciousness, too, that in its acts and conduct, and even in its sentiments and thoughts, it may be actively operating on the happiness of those who come after it. Poetry is found to have few stronger conceptions by which it would affect or overwhelm the mind than those in which it presents the moving and speaking image of the departed dead to the senses of the living. This belongs to poetry, only because it is congenial to our nature. Poetry is, in this respect, but the handmaid of true philosophy and morality; it deals with us as human beings, naturally reverencing those whose visible connection with this state of existence is severed, and who may yet exercise we know not what sympathy with ourselves; and when it carries us forward, also, and shows us the long continued result of all the good we do, in the prosperity of those who follow us, till it bears us from ourselves and absorbs us in an intense interest for what shall happen to the generations after us, it speaks only in the language of our nature, and affects us with sentiments which belong to us as human beings.

Standing in this relation to our ancestors and

our posterity, we are assembled on this memorable spot to perform the duties which that relation and the present occasion impose upon us. We have come to this Rock, to record here our homage for our Pilgrim Fathers; our sympathy in their sufferings; our gratitude for their labours; our admiration of their virtues; our veneration for their piety; and our attachment to those principles of civil and religious liberty which they encountered the dangers of the ocean, the storms of heaven, the violence of savages, disease, exile, and famine, to enjoy and to establish. And we would leave here, also, for the generations which are rising up rapidly to fill our places, some proof that we have endeavoured to transmit the great inheritance unimpaired; that in our estimate of public principles and private virtue, in our veneration of religion and piety, in our devotion to civil and religious liberty, in our regard for whatever advances human knowledge or improves human happiness, we are not altogether unworthy of our origin.

There is a local feeling connected with this occasion, too strong to be resisted; a sort of *genius of the place*, which inspires and awes us. We feel that we are on the spot where the first scene of our history was laid; where the hearths and altars of New England were first placed; where Christianity, and civilization, and letters made their first lodgment, in a vast extent of country, covered with a wilderness, and peopled by roving barbarians. We are here, at the season of the year at which the event took place. The imagination irresistibly and rapidly draws around us the principal features and the leading characters in the original scene. We

cast our eyes abroad on the ocean, and we see where the little bark, with the interesting group upon its deck, made its slow progress to the shore. We look around us and behold the hills and promontories where the anxious eyes of our fathers first saw the places of habitation and of rest. We feel the cold which benumbed, and listen to the winds which pierced them. Beneath us is the Rock on which New England received the feet of the Pilgrims. We seem even to behold them, as they struggle with the elements, and, with toilsome efforts, gain the shore. We listen to the chiefs in council; we see the unexampled exhibition of female fortitude and resignation; we hear the whisperings of youthful impatience, and we see, what a painter of our own has also represented by his pencil, chilled and shivering childhood, houseless, but for a mother's arms, couchless, but for a mother's breast, till our own blood almost freezes. The mild dignity of Carver and of Bradford; the decisive and soldier-like air and manner of Standish; the devout Brewster; the enterprising Allerton; the general firmness and thoughtfulness of the whole band; their conscious joy for dangers escaped; their deep solicitude about dangers to come; their trust in Heaven; their high religious faith, full of confidence and anticipation, — all of these seem to belong to this place, and to be present upon this occasion, to fill us with reverence and admiration.

The settlement of New England by the colony which landed here on the twenty-second of December, sixteen hundred and twenty, although not the first European establishment in what now constitutes the United States, was yet so peculiar in its

causes and character, and has been followed and must still be followed by such consequences, as to give it a high claim to lasting commemoration. On these causes and consequences, more than on its immediately attendant circumstances, its importance, as an historical event, depends. Great actions and striking occurrences, having excited a temporary admiration, often pass away and are forgotten, because they leave no lasting results affecting the prosperity and happiness of communities. Such is frequently the fortune of the most brilliant military achievements. Of the ten thousand battles which have been fought, of all the fields fertilized with carnage, of the banners which have been bathed in blood, of the warriors who have hoped that they had risen from the field of conquest to a glory as bright and as durable as the stars, how few that continue long to interest mankind! The victory of yesterday is reversed by the defeat of to-day; the star of military glory, rising like a meteor, like a meteor has fallen; disgrace and disaster hang on the heels of conquest and renown; victor and vanquished presently pass away to oblivion, and the world goes on in its course, with the loss only of so many lives and so much treasure.

But if this be frequently, or generally, the fortune of military achievements, it is not always so. There are enterprises, military as well as civil, which sometimes check the current of events, give a new turn to human affairs, and transmit their consequences through ages. We see their importance in their results, and call them great, because great things follow. There have been battles which have fixed the fate of nations. These come down to us in

history with a solid and permanent interest, not created by a display of glittering armour, the rush of adverse battalions, the sinking and rising of pennons, the flight, the pursuit, and the victory; but by their effect in advancing or retarding human knowledge, in overthrowing or establishing despotism, in extending or destroying human happiness. When the traveller pauses on the plain of Marathon, what are the emotions which most strongly agitate his breast? What is that glorious recollection, which thrills through his frame, and suffuses his eyes? Not, I imagine, that Grecian skill and Grecian valour were here most signally displayed; but that Greece herself was saved. It is because to this spot, and to the event which has rendered it immortal, he refers all the succeeding glories of the republic. It is because, if that day had gone otherwise, Greece had perished. It is because he perceives that her philosophers and orators, her poets and painters, her sculptors and architects, her governments and free institutions, point backward to Marathon, and that their future existence seems to have been suspended on the contingency, whether the Persian or the Grecian banner should wave victorious in the beams of that day's setting sun. And, as his imagination kindles at the retrospect, he is transported back to the interesting moment; he counts the fearful odds of the contending hosts; his interest for the result overwhelms him; he trembles, as if it were still uncertain, and seems to doubt whether he may consider Socrates and Plato, Demosthenes, Sophocles, and Phidias, as secure, yet, to himself and to the world.

"If we conquer," said the Athenian commander

on the approach of that decisive day, "if we conquer, we shall make Athens the greatest city of Greece." A prophecy how well fulfilled! "If God prosper us," might have been the more appropriate language of our fathers, when they landed upon this Rock, "if God prosper us, we shall here begin a work which shall last for ages; we shall plant here a new society, in the principles of the fullest liberty and the purest religion; we shall subdue this wilderness which is before us; we shall fill this region of the great continent, which stretches almost from pole to pole, with civilization and Christianity; the temples of the true God shall rise, where now ascends the smoke of idolatrous sacrifice; fields and gardens, the flowers of summer, and the waving and golden harvest of autumn, shall spread over a thousand hills and stretch along a thousand valleys, never yet, since the creation, reclaimed to the use of civilized man. We shall whiten this coast with the canvas of a prosperous commerce; we shall stud the long and winding shore with a hundred cities. That which we sow in weakness shall be raised in strength. From our sincere but houseless worship there shall spring splendid temples to record God's goodness; from the simplicity of our social union there shall arise wise and politic constitutions of government, full of the liberty which we ourselves bring and breathe; from our zeal for learning, institutions shall spring which shall scatter the light of knowledge throughout the land, and, in time, paying back where they have borrowed, shall contribute their part to the great aggregate of human knowledge; and our descendants, through all generations, shall look back to this

spot, and to this hour, with unabated affection and regard."

The hours of this day are rapidly flying, and this occasion will soon be past. Neither we nor our children can expect to behold its return. They are in the distant regions of futurity, they exist only in the all-creating power of God, who shall stand here a hundred years hence, to trace, through us, their descent from the Pilgrims, and to survey, as we have now surveyed, the progress of their country, during the lapse of a century. We would anticipate their concurrence with us in our sentiments of deep regard for our common ancestors. We would anticipate and partake the pleasure with which they will then recount the steps of New England's advancement. On the morning of that day, although it will not disturb us in our repose, the voice of acclamation and gratitude, commencing on the Rock of Plymouth, shall be transmitted through millions of the sons of the Pilgrims, till it lose itself in the murmurs of the Pacific seas.

We would leave for the consideration of those who shall then occupy our places some proof that we hold the blessings transmitted from our fathers in just estimation; some proof of our attachment to the cause of good government, and of civil and religious liberty; some proof of a sincere and ardent desire to promote every thing which may enlarge the understandings and improve the hearts of men. And when, from the long distance of a hundred years, they shall look back upon us, they shall know, at least, that we possessed affections which, running backward and warming with gratitude for what our

ancestors have done for our happiness, run forward also to our posterity, and meet them with cordial salutation, ere yet they have arrived on the shore of being.

Advance, then, ye future generations! We would hail you, as you rise in your long succession, to fill the places which we now fill, and to taste the blessings of existence where we are passing, and soon shall have passed, our own human duration. We bid you welcome to this pleasant land of the fathers. We bid you welcome to the healthful skies and the verdant fields of New England. We greet your accession to the great inheritance which we have enjoyed. We welcome you to the blessings of good government and religious liberty. We welcome you to the treasures of science and the delights of learning. We welcome you to the transcendent sweets of domestic life, to the happiness of kindred, and parents, and children. We welcome you to the immeasurable blessings of rational existence, the immortal hope of Christianity, and the light of everlasting truth!

THE BUNKER HILL ORATION

(SELECTIONS)

I

WE come, as Americans, to mark a spot which must forever be dear to us and our posterity. We wish that whosoever, in all coming time, shall turn his eye hither, may behold that the place is not undistinguished where the first great battle

of the Revolution was fought. We wish that this structure may proclaim the magnitude and importance of that event to every class and every age. We wish that infancy may learn the purpose of its erection from maternal lips, and that weary and withered age may behold it and be solaced by the recollections which it suggests. We wish that labour may look up here and be proud in the midst of its toil. We wish that, in those days of disaster, which, as they come upon all nations, must be expected to come upon us also, desponding patriotism may turn its eyes hitherward, and be assured that the foundations of our national power are still strong. We wish that this column, rising toward heaven among the pointed spires of so many temples dedicated to God, may contribute also to produce, in all minds, a pious feeling of dependence and gratitude. We wish, finally, that the last object to the sight of him who leaves his native shore, and the first to gladden his who revisits it, may be something which shall remind him of the liberty and the glory of his country. Let it rise! let it rise, till it meet the sun in his coming; let the earliest light of the morning gild it, and parting day linger and play on its summit.

II

VENERABLE MEN! you have come down to us from a former generation. Heaven has bounteously lengthened out your lives, that you might behold this joyous day. You are now where you stood fifty years ago, this very hour, with your brothers and your neighbours, shoulder to shoulder,

in the strife for your country. Behold, how altered ! The same heavens are indeed over your heads ; the same ocean rolls at your feet ; but all else, how changed ! You hear now no roar of hostile cannon, you see no mixed volumes of smoke and flame rising from burning Charlestown. The ground strewn with the dead and the dying ; the impetuous charge ; the steady and successful repulse ; the loud call to repeated assault ; the summoning of all that is manly to repeated resistance ; a thousand bosoms freely and fearlessly bared in an instant to whatever of terror there may be in war and death, — all these you have witnessed, but you witness them no more. All is peace. The heights of yonder metropolis, its towers and roofs, which you then saw filled with wives and children and countrymen in distress and terror, and looking with unutterable emotions for the issue of the combat, have presented you to-day with the sight of its whole happy population come out to welcome and greet you with a universal jubilee. Yonder proud ships, by a felicity of position appropriately lying at the foot of this mount, and seeming fondly to cling around it, are not means of annoyance to you, but your country's own means of distinction and defence. All is peace ; and God has granted you the sight of your country's happiness, ere you slumber in the grave. He has allowed you to behold and to partake the reward of your patriotic toils ; and he has allowed us, your sons and countrymen, to meet you here, and in the name of the present generation, in the name of your country, in the name of liberty, to thank you !

But, alas ! you are not all here ! Time and the sword have thinned your ranks. Prescott, Putnam,

Stark, Brooks, Read, Pomeroy, Bridge! our eyes seek for you in vain amid this broken band. You are gathered to your fathers, and live only to your country in her grateful remembrance and your own bright example. But let us not too much grieve that you have met the common fate of men. You lived at least long enough to know that your work had been nobly and successfully accomplished. You lived to see your country's independence established, and to sheathe your swords from war. On the light of Liberty you saw arise the light of Peace, like

"another morn,
Risen on mid-noon";

and the sky on which you closed your eyes was cloudless.

But ah! Him! the first great martyr in this great cause! Him! the premature victim of his own self-devoting heart! Him! the head of our civil councils, and the destined leader of our military bands, whom nothing brought hither but the unquenchable fire of his own spirit! Him! cut off by Providence in the hour of overwhelming anxiety and thick gloom; falling ere he saw the star of his country rise; pouring out his generous blood like water, before he knew whether it would fertilize a land of freedom or of bondage!—how shall I struggle with the emotions that stifle the utterance of thy name! Our poor work may perish; but thine shall endure! This monument may moulder away; the solid ground it rests upon may sink down to a level with the sea; but thy memory shall not fail! Wheresoever among men a heart shall be found that beats to the transports of patriotism and

liberty, its aspirations shall be to claim kindred with thy spirit!

But the scene amidst which we stand does not permit us to confine our thoughts or our sympathies to those fearless spirits who hazarded or lost their lives on this consecrated spot. We have the happiness to rejoice here in the presence of a most worthy representation of the survivors of the whole Revolutionary army.

VETERANS! you are the remnant of many a well-fought field. You bring with you marks of honour from Trenton and Monmouth, from Yorktown, Camden, Bennington, and Saratoga. VETERANS OF HALF A CENTURY! when in your youthful days you put everything at hazard in your country's cause, good as that cause was, and sanguine as youth is, still your fondest hopes did not stretch onward to an hour like this! At a period to which you could not reasonably have expected to arrive, at a moment of national prosperity such as you could never have foreseen, you are now met here to enjoy the fellowship of old soldiers, and to receive the overflowings of a universal gratitude.

But your agitated countenances and your heaving breasts inform me that even this is not an unmixed joy. I perceive that a tumult of contending feeling rushes upon you. The images of the dead, as well as the persons of the living, present themselves before you. The scene overwhelms you and I turn from it. May the Father of all mercies smile upon your declining years, and bless them! And when you shall here have exchanged your embraces, when you shall once more have pressed the hands which have been so often extended to give succour in ad-

versity, or grasped in the exultation of victory, then look abroad upon this lovely land which your young valour defended, and mark the happiness with which it is filled; yea, look abroad upon the whole earth, and see what a name you have contributed to give to your country, and what a praise you have added to freedom, and then rejoice in the sympathy and gratitude which beam upon your last days from the improved condition of mankind!

III

AND now, let us indulge an honest exultation in the conviction of the benefit which the example of our country has produced, and is likely to produce, on human freedom and human happiness. Let us endeavour to comprehend in all its magnitude, and to feel in all its importance, the part assigned to us in the great drama of human affairs. We are placed at the head of the system of representative and popular governments. Thus far our example shows that such governments are compatible, not only with respectability and power, but with repose, with peace, with security of personal rights, and good laws, and a just administration.

We are not propagandists. Wherever other systems are preferred, either as being thought better in themselves, or as better suited to existing condition, we leave the preference to be enjoyed. Our history hitherto proves, however, that the popular form is practicable, and that with wisdom and knowledge men may govern themselves; and the duty incumbent on us is, to preserve the consistency

of this cheering example, and take care that nothing may weaken its authority with the world. If, in our case, the representative system ultimately fail, popular governments must be pronounced impossible. No combination of circumstances more favourable to the experiment can ever be expected to occur. The last hopes of mankind, therefore, rest with us; and if it should be proclaimed that our example had become an argument against the experiment, the knell of popular liberty would be sounded throughout the earth.

These are excitements to duty; but they are not suggestions of doubt. Our history and our condition, all that is gone before us, and all that surrounds us, authorize the belief that popular governments, though subject to occasional variations, in form perhaps not always for the better, may yet, in their general character, be as durable and permanent as other systems. We know, indeed, that in our country any other is impossible. The *principle* of free governments adheres to the American soil. It is bedded in it, immovable as its mountains.

And let the sacred obligations which have devolved on this generation, and on us, sink deep into our hearts. Those who established our liberty and our government are daily dropping from among us. The great trust now descends to new hands. Let us apply ourselves to that which is presented to us, as our appropriate object. We can win no laurels in a war for independence. Earlier and worthier hands have gathered them all. Nor are there places for us by the side of Solon, and Alfred, and other founders of States. Our fathers have filled them. But there remains to us a great duty of defence and

preservation ; and there is opened to us, also, a noble pursuit, to which the spirit of the times strongly invites us. Our proper business is improvement. Let our age be the age of improvement. In a day of peace, let us advance the arts of peace and the works of peace. Let us develop the resources of our land, call forth its powers, build up its institutions, promote all its great interests, and see whether we also, in our day and generation, may not perform something worthy to be remembered. Let us cultivate a true spirit of union and harmony. In pursuing the great objects which our condition points out to us, let us act under a settled conviction, and an habitual feeling, that these twenty-four States are one country. Let our conceptions be enlarged to the circle of our duties. Let us extend our ideas over the whole of the vast field in which we are called to act. Let our object be, OUR COUNTRY, OUR WHOLE COUNTRY, AND NOTHING BUT OUR COUNTRY. And, by the blessing of God, may that country itself become a vast and splendid monument, not of oppression and terror, but of wisdom, of peace, and of liberty, upon which the world may gaze with admiration for ever !

THE REPLY TO HAYNE

MR. PRESIDENT, — When the mariner has been tossed for many days in thick weather, and on an unknown sea, he naturally avails himself of the first pause in the storm, the earliest glance of the sun, to take his latitude, and ascertain how far the elements have driven him from his true course.

Let us imitate this prudence, and, before we float farther on the waves of this debate, refer to the point from which we departed, that we may at least be able to conjecture where we now are. I ask for the reading of the resolution before the Senate.

The Secretary read the resolution, as follows : —

“ Resolved, That the Committee on Public Lands be instructed to inquire and report the quantity of public lands remaining unsold within each State and Territory, and whether it be expedient to limit for a certain period the sales of the public lands to such lands only as have heretofore been offered for sale, and are now subject to entry at the minimum price. And, also, whether the office of Surveyor-General, and some of the land offices, may not be abolished without detriment to the public interest ; or whether it be expedient to adopt measures to hasten the sales and extend more rapidly the surveys of the public lands.”

We have thus heard, sir, what the resolution is which is actually before us for consideration ; and it will readily occur to every one, that it is almost the only subject about which something has not been said in the speech, running through two days, by which the Senate has been entertained by the gentleman from South Carolina. Every topic in the wide range of our public affairs, whether past or present, — every thing, general or local, whether belonging to national politics or party politics, — seems to have attracted more or less of the honourable member's attention, save only the resolution before the Senate. He has spoken of every thing but the public lands ; they have escaped his notice. To that subject, in all his excursions, he has not paid even the cold respect of a passing glance.

When this debate, sir, was to be resumed, on Thursday morning, it so happened that it would

have been convenient for me to be elsewhere. The honourable member, however, did not incline to put off the discussion to another day. He had a shot, he said, to return, and he wished to discharge it. That shot, sir, which he thus kindly informed us was coming, that we might stand out of the way, or prepare ourselves to fall by it and die with decency, has now been received. Under all advantages, and with expectation awakened by the tone which preceded it, it has been discharged, and has spent its force. It may become me to say no more of its effect, than that, if nobody is found, after all, either killed or wounded, it is not the first time, in the history of human affairs, that the vigour and success of the war have not quite come up to the lofty and sounding phrase of the manifesto.

The gentleman, sir, in declining to postpone the debate, told the Senate, with the emphasis of his hand upon his heart, that there was something rankling *here*, which he wished to relieve. [Mr. Hayne rose, and disclaimed having used the word *rankling*.] It would not, Mr. President, be safe for the honourable member to appeal to those around him, upon the question whether he did in fact make use of that word. But he may have been unconscious of it. At any rate, it is enough that he disclaims it. But still, with or without the use of that particular word, he had yet something *here*, he said, of which he wished to rid himself by an immediate reply. In this respect, sir, I have a great advantage over the honourable gentleman. There is nothing *here*, sir, which gives me the slightest uneasiness; neither fear, nor anger, nor that which is sometimes more troublesome than either, the consciousness of having

been in the wrong. There is nothing, either originating *here*, or now received *here* by the gentleman's shot. Nothing originating here, for I had not the slightest feeling of unkindness toward the honourable member. Some passages, it is true, had occurred since our acquaintance in this body, which I could have wished might have been otherwise; but I had used philosophy and forgotten them. I paid the honourable member the attention of listening with respect to his first speech; and when he sat down, though surprised, and I must even say astonished, at some of his opinions, nothing was farther from my intention than to commence any personal warfare. Through the whole of the few remarks I made in answer, I avoided, studiously and carefully, every thing which I thought possible to be construed into disrespect. And, sir, while there is thus nothing originating *here* which I have wished at any time, or now wish, to discharge, I must repeat, also, that nothing has been received *here* which *rankles*, or in any way gives me annoyance. I will not accuse the honourable member of violating the rules of civilized war; I will not say that he poisoned his arrows. But whether his shafts were, or were not, dipped in that which would have caused rankling if they had reached their destination, there was not, as it happened, quite strength enough in the bow to bring them to their mark. If he wishes now to gather up those shafts, he must look for them elsewhere; they will not be found fixed and quivering in the object at which they were aimed.

The honourable member complained that I had slept on his speech. I must have slept on it, or not slept at all. The moment the honourable member

sat down, his friend from Missouri rose, and, with much honeyed commendation of the speech, suggested that the impressions which it had produced were too charming and delightful to be disturbed by other sentiments or other sounds, and proposed that the Senate should adjourn. Would it have been quite amiable in me, sir, to interrupt this excellent good feeling? Must I not have been absolutely malicious, if I could have thrust myself forward to destroy sensations thus pleasing? Was it not much better and kinder, both to sleep upon them myself and to allow others also the pleasure of sleeping upon them? But if it be meant, by sleeping upon his speech, that I took time to prepare a reply to it, it is quite a mistake. Owing to other engagements, I could not employ even the interval between the adjournment of the Senate and its meeting the next morning, in attention to the subject of this debate. Nevertheless, sir, the mere matter of fact is undoubtedly true. I did sleep on the gentleman's speech, and slept soundly. And I slept equally well on his speech of yesterday, to which I am now replying. It is quite possible that in this respect, also, I possess some advantage over the honourable member, attributable, doubtless, to a cooler temperament on my part; for, in truth, I slept upon his speeches remarkably well.

But the gentleman inquires why *he* was made the object of such a reply. Why was *he* singled out? If an attack has been made on the East, he, he assures us, did not begin it; it was made by the gentleman from Missouri. Sir, I answered the gentleman's speech because I happened to hear it; and because, also, I chose to give an answer to that

speech, which, if unanswered, I thought most likely to produce injurious impressions. I did not stop to inquire who was the original drawer of the bill. I found a responsible indorser before me, and it was my purpose to hold him liable, and to bring him to his just responsibility without delay. But, sir, this interrogatory of the honourable member was only introductory to another. He proceeded to ask me whether I had turned upon him, in this debate, from the consciousness that I should find an overmatch if I ventured on a contest with his friend from Missouri. If, sir, the honourable member; *modestiae gratia*, had chosen thus to defer to his friend, and to pay him a compliment, without intentional disparagement to others, it would have been quite according to the friendly courtesies of debate, and not at all ungrateful to my own feelings. I am not one of those, sir, who esteem any tribute of regard, whether light and occasional, or more serious and deliberate, which may be bestowed on others, as so much unjustly withholden from themselves. But the tone and manner of the gentleman's question forbid me thus to interpret it. I am not at liberty to consider it as nothing more than a civility to his friend. It had an air of taunt and disparagement, something of the loftiness of asserted superiority, which does not allow me to pass it over without notice. It was put as a question for me to answer, and so put as if it were difficult for me to answer, whether I deemed the member from Missouri an overmatch for myself in debate here. It seems to me, sir, that this is extraordinary language, and an extraordinary tone, for the discussions of this body.

Matches and overmatches! Those terms are more applicable elsewhere than here, and fitter for other assemblies than this. Sir, the gentleman seems to forget where and what we are. This is a Senate, a Senate of equals, of men of individual honour and personal character, and of absolute independence. We know no masters, we acknowledge no dictators. This is a hall for mutual consultation and discussion; not an arena for the exhibition of champions. I offer myself, sir, as a match for no man; I throw the challenge of debate at no man's feet. But then, sir, since the honourable member has put the question in a manner that calls for an answer, I will give him an answer; and I tell him, that, holding myself to be the humblest of the members here, I yet know nothing in the arm of his friend from Missouri, either alone or when aided by the arm of *his* friend from South Carolina, that need deter even me from espousing whatever opinions I may choose to espouse, from debating whenever I may choose to debate, or from speaking whatever I may see fit to say, on the floor of the Senate. Sir, when uttered as matter of commendation or compliment, I should dissent from nothing which the honourable member might say of his friend. Still less do I put forth any pretensions of my own. But when put to me as matter of taunt, I throw it back, and say to the gentleman, that he could possibly say nothing less likely than such a comparison to wound my pride of personal character. The anger of its tone rescued the remark from intentional irony, which otherwise, probably, would have been its general acceptance. But, sir, if it be imagined that by this mutual quotation and commendation; if it be supposed that,

by casting the characters of the drama, assigning to each his part, to one the attack, to another the cry of onset; or if it be thought that, by a loud and empty vaunt of anticipated victory, any laurels are to be won here; if it be imagined, especially, that any or all these things will shake any purpose of mine, — I can tell the honourable member, once for all, that he is greatly mistaken, and that he is dealing with one of whose temper and character he has yet much to learn. Sir, I shall not allow myself, on this occasion, I hope on no occasion, to be betrayed into any loss of temper; but if provoked, as I trust I never shall be, into crimination and recrimination, the honourable member may perhaps find, that, in that contest, there will be blows to take as well as blows to give; that others can state comparisons as significant, at least, as his own, and that his impunity may possibly demand of him whatever powers of taunt and sarcasm he may possess. I commend him to a prudent husbandry of his resources.

But, sir, the Coalition! The Coalition! Ay, “the murdered Coalition!” The gentleman asks, if I were led or frightened into this debate by the spectre of the Coalition. “Was it the ghost of the murdered Coalition,” he exclaims, “which haunted the member from Massachusetts; and which, like the ghost of Banquo, would never down?” “The murdered Coalition!” Sir, this charge of a coalition, in reference to the late administration, is not original with the honourable member. It did not spring up in the Senate. Whether as a fact, as an argument, or as an embellishment, it is all borrowed. He adopts it, indeed, from a very low origin, and a

still lower present condition. It is one of the thousand calumnies with which the press teemed, during an excited political canvass. It was a charge, of which there was not only no proof or probability, but which was in itself wholly impossible to be true. No man of common information ever believed a syllable of it. Yet it was of that class of falsehoods, which, by continued repetition, through all the organs of detraction and abuse, are capable of misleading those who are already far misled, and of further fanning passion already kindling into flame. Doubtless it served in its day, and in greater or less degree, the end designed by it. Having done that, it has sunk into the general mass of stale and loathed calumnies. It is the very cast-off slough of a polluted and shameless press. Incapable of further mischief, it lies in the sewer, lifeless and despised. It is not now, sir, in the power of the honourable member to give it dignity or decency, by attempting to elevate it, and to introduce it into the Senate. He cannot change it from what it is, an object of general disgust and scorn. On the contrary, the contact, if he choose to touch it, is more likely to drag him down, down, to the place where it lies itself.

But, sir, the honourable member was not, for other reasons, entirely happy in his allusion to the story of Banquo's murder and Banquo's ghost. It was not, I think, the friends, but the enemies of the murdered Banquo, at whose bidding his spirit would not *down*. The honourable gentleman is fresh in his reading of the English classics, and can put me right if I am wrong; but, according to my poor recollection, it was at those who had begun with caresses and ended with foul and treacherous mur-

der that the gory locks were shaken. The ghost of Banquo, like that of Hamlet, was an honest ghost. It disturbed no innocent man. It knew where its appearance would strike terror, and who would cry out, A ghost! It made itself visible in the right quarter, and compelled the guilty and the conscience-smitten, and none others, to start, with,

“Pr’ythee, see there! behold! — look! lo,
If I stand here, I saw him!”

THEIR eyeballs were seared (was it not so, sir?) who had thought to shield themselves by concealing their own hand, and laying the imputation of the crime on a low and hireling agency in wickedness; who had vainly attempted to stifle the workings of their own coward consciences by ejaculating through white lips and chattering teeth, “Thou canst not say I did it!” I have misread the great poet if those who had no way partaken in the deed of the death, either found that they were, or *feared that they should be*, pushed from their stools by the ghost of the slain, or exclaimed to a spectre created by their own fears and their own remorse, “Avaunt! and quit our sight!”

There is another particular, sir, in which the honourable member’s quick perception of resemblances might, I should think, have seen something in the story of Banquo, making it not altogether a subject of the most pleasant contemplation. Those who murdered Banquo, what did they win by it? Substantial good? Permanent power? Or disappointment, rather, and sore mortification, — dust and ashes, the common fate of vaulting ambition overleaping itself? Did not even-handed justice ere

long commend the poisoned chalice to their own lips? Did they not soon find that for another they had "fled their mind"? that their ambition, though apparently for the moment successful, had but put a barren sceptre in their grasp? Ay, sir,

"a barren sceptre in their gripe,
*Thence to be wrenched with an unlineal hand,
No son of theirs succeeding."*

Sir, I need pursue the allusion no farther. I leave the honourable gentleman to run it out at his leisure, and to derive from it all the gratification it is calculated to administer. If he finds himself pleased with the associations, and prepared to be quite satisfied, though the parallel should be entirely completed, I had almost said, I am satisfied also; but that I shall think of. Yes, sir, I will think of that.

[Mr. Webster proceeds to reply to the various points in Mr. Hayne's speech one by one.]

Mr. President, in carrying his warfare, such as it is, into New England, the honourable gentleman all along professes to be acting on the defensive. He chooses to consider me as having assailed South Carolina, and insists that he comes forth only as her champion, and in her defence. Sir, I do not admit that I made any attack whatever on South Carolina. Nothing like it. The honourable member, in his first speech, expressed opinions, in regard to revenue and some other topics, which I heard both with pain and with surprise. I told the gentleman I was aware that such sentiments were entertained *out* of the government, but had not expected to find them advanced in it; that I knew there were persons in

the South who speak of our Union with indifference or doubt, taking pains to magnify its evils, and to say nothing of its benefits; that the honourable member himself, I was sure, could never be one of these; and I regretted the expression of such opinions as he had avowed, because I thought their obvious tendency was to encourage feelings of disrespect to the Union, and to impair its strength. This, sir, is the sum and substance of all I said on the subject. And this constitutes the attack which called on the chivalry of the gentleman, in his own opinion, to harry us with such a foray among the party pamphlets and party proceedings of Massachusetts! If he means that I spoke with dissatisfaction or disrespect of the ebullitions of individuals in South Carolina, it is true. But if he means that I assailed the character of the State, her honour or patriotism, that I reflected on her history or her conduct, he has not the slightest ground for any such assumption. I did not even refer, I think, in my observations, to any collection of individuals. I said nothing of the recent conventions. I spoke in the most guarded and careful manner, and only expressed my regret for the publication of opinions which I presumed the honourable member disapproved as much as myself. In this, it seems, I was mistaken. I do not remember that the gentleman has disclaimed any sentiment, or any opinion, of a supposed anti-union tendency, which on all or any of the recent occasions has been expressed. The whole drift of his speech has been rather to prove that, in divers times and manners, sentiments equally liable to my objection have been avowed in New England. And one would suppose that his object

in this reference to Massachusetts was to find a precedent to justify proceedings in the South, were it not for the reproach and contumely with which he labours, all along, to load these his own chosen precedents. By way of defending South Carolina from what he chooses to think an attack on her, he first quotes the example of Massachusetts, and then denounces that example in good set terms. This twofold purpose, not very consistent, one would think, with itself, was exhibited more than once in the course of his speech. He referred, for instance, to the Hartford Convention. Did he do this for authority, or for a topic of reproach? Apparently for both, for he told us that he should find no fault with the mere fact of holding such a convention, and considering and discussing such questions as he supposes were then and there discussed; but what rendered it obnoxious was its being held at the time, and under the circumstances of the country then existing. We were in a war, he said, and the country needed all our aid; the hand of government required to be strengthened, not weakened; and patriotism should have postponed such proceedings to another day. The thing itself, then, is a precedent; the time and manner of it only a subject of censure.

Now, sir, I go much further, on this point, than the honourable member. Supposing, as the gentleman seems to do, that the Hartford Convention assembled for any such purpose as breaking up the Union, because they thought unconstitutional laws had been passed, or to consult on that subject, or *to calculate the value of the Union*; supposing this to be their purpose, or any part of it, then I say the

meeting itself was disloyal, and was obnoxious to censure, whether held in time of peace or time of war, or under whatever circumstances. The material question is the *object*. Is dissolution the *object*? If it be, external circumstances may make it a more or less aggravated case, but cannot affect the principle. I do not hold, therefore, sir, that the Hartford Convention was pardonable, even to the extent of the gentleman's admission, if its objects were really such as have been imputed to it. Sir, there never was a time, under any degree of excitement, in which the Hartford Convention, or any other convention, could have maintained itself one moment in New England, if assembled for any such purpose as the gentleman says would have been an allowable purpose. To hold conventions to decide constitutional law! To try the binding validity of statutes by votes in a convention! Sir, the Hartford Convention, I presume, would not desire that the honourable gentleman should be their defender or advocate, if he puts their case upon such untenable and extravagant grounds.

Then, sir, the gentleman has no fault to find with these recently promulgated South Carolina opinions. And certainly he need have none; for his own sentiments, as now advanced, and advanced on reflection, as far as I have been able to comprehend them, go the full length of all these opinions. I propose, sir, to say something on these, and to consider how far they are just and constitutional. Before doing that, however, let me observe that the eulogium pronounced by the honourable gentleman on the character of the State of South Carolina, for her Revolutionary and other merits, meets my hearty

concurrence. I shall not acknowledge that the honourable member goes before me in regard for whatever of distinguished talent, or distinguished character, South Carolina has produced. I claim part of the honour, I partake in the pride, of her great names. I claim them for countrymen, one and all, the Laurenses, the Rutledges, the Pinckneys, the Sumters, the Marions, Americans all, whose fame is no more to be hemmed in by State lines, than their talents and patriotism were capable of being circumscribed within the same narrow limits. In their day and generation, they served and honoured the country, and the whole country; and their renown is of the treasures of the whole country. Him whose honoured name the gentleman himself bears, — does he esteem me less capable of gratitude for his patriotism, or sympathy for his sufferings, than if his eyes had first opened upon the light of Massachusetts, instead of South Carolina? Sir, does he suppose it in his power to exhibit a Carolina name so bright as to produce envy in my bosom? No, sir, increased gratification and delight, rather. I thank God, that, if I am gifted with little of the spirit which is able to raise mortals to the skies, I have yet none, as I trust, of that other spirit, which would drag angels down. When I shall be found, sir, in my place here in the Senate, or elsewhere, to sneer at public merit, because it happens to spring up beyond the little limits of my own State or neighbourhood; when I refuse, for any such cause or for any cause, the homage due to American talent, to elevated patriotism, to sincere devotion to liberty and the country; or, if I see an uncommon endowment of Heaven, if I see extraordinary capacity and

virtue, in any son of the South, and if, moved by local prejudice or gangrened by State jealousy, I get up here to abate the tithe of a hair from his just character and just fame, may my tongue cleave to the roof of my mouth!

Sir, let me recur to pleasing recollections; let me indulge in refreshing remembrance of the past; let me remind you that, in early times, no States cherished greater harmony, both of principle and feeling, than Massachusetts and South Carolina. Would to God that harmony might again return! Shoulder to shoulder they went through the Revolution, hand in hand they stood round the administration of Washington, and felt his own great arm lean on them for support. Unkind feeling (if it exist), alienation, and distrust are the growth, unnatural to such soils, of false principles since sown. They are weeds, the seeds of which that same great arm never scattered.

Mr. President, I shall enter on no encomium upon Massachusetts; she needs none. There she is! Behold her, and judge for yourselves. There is her history; the world knows it by heart. The past, at least, is secure. There is Boston, and Concord, and Lexington, and Bunker Hill; and there they will remain for ever. The bones of her sons, falling in the great struggle for Independence, now lie mingled with the soil of every State from New England to Georgia; and there they will lie for ever. And, sir, where American Liberty raised its first voice, and where its youth was nurtured and sustained, there it still lives, in the strength of its manhood and full of its original spirit. If discord and disunion shall wound it, if party strife and blind

ambition shall hawk at and tear it, if folly and madness, if uneasiness under salutary and necessary restraint, shall succeed in separating it from that Union by which alone its existence is made sure, it will stand, in the end, by the side of that cradle in which its infancy was rocked; it will stretch forth its arm with whatever of vigour it may still retain over the friends who gather round it; and it will fall at last, if fall it must, amidst the proudest monuments of its own glory, and on the very spot of its origin.

There yet remains to be performed, Mr. President, by far the most grave and important duty which I feel to be devolved on me by this occasion. It is to state, and to defend, what I conceive to be the true principles of the Constitution under which we are here assembled. I might well have desired that so weighty a task should have fallen into other and abler hands. I could have wished that it should have been executed by those whose character and experience give weight and influence to their opinions, such as cannot possibly belong to mine. But, sir, I have met the occasion, not sought it; and I shall proceed to state my own sentiments, without challenging for them any particular regard, with studied plainness, and as much precision as possible.

I understand the honourable gentleman from South Carolina to maintain that it is a right of the State legislatures to interfere whenever, in their judgment, this government transcends its constitutional limits, and to arrest the operation of its laws.

I understand him to maintain this right, as a right

existing *under* the Constitution, not as a right to overthrow it on the ground of extreme necessity, such as would justify violent revolution.

I understand him to maintain an authority, on the part of the States, thus to interfere, for the purpose of correcting the exercise of power by the general government, of checking it, and of compelling it to conform to their opinion of the extent of its powers.

I understand him to maintain that the ultimate power of judging of the constitutional extent of its own authority is not lodged exclusively in the general government, or any branch of it; but that, on the contrary, the States may lawfully decide for themselves, and each State for itself, whether, in a given case, the act of the general government transcends its power.

I understand him to insist that, if the exigency of the case, in the opinion of any State government, require it, such State government may, by its own sovereign authority, annul an act of the general government which it deems plainly and palpably unconstitutional.

This is the sum of what I understand from him to be the South Carolina doctrine, and the doctrine which he maintains. I propose to consider it, and compare it with the Constitution. Allow me to say, as a preliminary remark, that I call this the South Carolina doctrine only because the gentleman himself has so denominated it. I do not feel at liberty to say that South Carolina, as a State, has ever advanced these sentiments. I hope she has not, and never may. That a great majority of her people are opposed to the tariff laws is doubtless true. That a majority, somewhat less than that just mentioned,

conscientiously believe these laws unconstitutional may probably also be true. But that any majority holds to the right of direct State interference at State discretion, the right of nullifying acts of Congress by acts of State legislation, is more than I know, and what I shall be slow to believe.

That there are individuals besides the honourable gentleman who do maintain these opinions is quite certain. I recollect the recent expression of a sentiment, which circumstances attending its utterance and publication justify us in supposing was not unpremeditated. "The sovereignty of the State, — never to be controlled, construed, or decided on, but by her own feelings of honourable justice."

We all know that civil institutions are established for the public benefit, and that when they cease to answer the ends of their existence they may be changed. But I do not understand the doctrine now contended for to be that which, for the sake of distinction, we may call the right of revolution. I understand the gentleman to maintain that it is constitutional to interrupt the administration of the Constitution itself, in the hands of those who are chosen and sworn to administer it, by the direct interference, in form of law, of the States, in virtue of their sovereign capacity. The inherent right in the people to reform their government I do not deny; and they have another right, and that is, to resist unconstitutional laws, without overturning the government. It is no doctrine of mine that unconstitutional laws bind the people. [The great question is, Whose prerogative is it to decide on the constitutionality or unconstitutionality of the laws? On that, the main debate hinges.] The proposition

that, in case of a supposed violation of the Constitution by Congress, the States have a constitutional right to interfere and annul the law of Congress, is the proposition of the gentleman. I do not admit it. If the gentleman had intended no more than to assert the right of revolution for justifiable cause, he would have said only what all agree to. But I cannot conceive that there can be a middle course, between submission to the laws when regularly pronounced constitutional, on the one hand, and open resistance (which is revolution or rebellion) on the other.

This leads us to inquire into the origin of this government and the source of its power. Whose agent is it? Is it the creature of the State legislatures, or the creature of the people? If the government of the United States be the agent of the State governments, then they may control it, provided they can agree in the manner of controlling it; if it be the agent of the people, then the people alone can control it, restrain it, modify, or reform it. It is observable enough that the doctrine for which the honourable gentleman contends leads him to the necessity of maintaining, not only that this general government is the creature of the States, but that it is the creature of each of the States severally, so that each may assert the power for itself of determining whether it acts within the limits of its authority. It is the servant of four-and-twenty masters, of different wills and different purposes, and yet bound to obey all. This absurdity (for it seems no less) arises from a misconception as to the origin of this government and its true character. It is, sir, the people's Constitution, the people's government, made for the

people, made by the people, and answerable to the people. The people of the United States have declared that this Constitution shall be the supreme law. We must either admit the proposition, or dispute their authority. The States are, unquestionably, sovereign, so far as their sovereignty is not affected by the supreme law. But the State legislatures, as political bodies, however sovereign, are yet not sovereign over the people. So far as the people have given power to the general government, so far the grant is unquestionably good, and the government holds of the people, and not of the State governments. We are all agents of the same supreme power, the people. The general government and the State governments derive their authority from the same source. Neither can, in relation to the other, be called primary, though one is definite and restricted, and the other general and residuary. The national government possesses those powers which it can be shown the people have conferred on it, and no more. All the rest belongs to the State governments, or to the people themselves. So far as the people have restrained State sovereignty, by the expression of their will, in the Constitution of the United States, so far, it must be admitted, State sovereignty is effectually controlled. I do not contend that it is, or ought to be, controlled farther. The sentiment to which I have referred propounds that State sovereignty is only to be controlled by its own "feeling of justice"; that is to say, it is not to be controlled at all, for one who is to follow his own feelings is under no legal control. Now, however men may think this ought to be, the fact is, that the people of the United States have chosen to im-

pose control on State sovereignties. There are those, doubtless, who wish they had been left without restraint; but the Constitution has ordered the matter differently. To make war, for instance, is an exercise of sovereignty; but the Constitution declares that no State shall make war. To coin money is another exercise of sovereign power; but no State is at liberty to coin money. Again, the Constitution says that no sovereign State shall be so sovereign as to make a treaty. These prohibitions, it must be confessed, are a control on the State sovereignty of South Carolina, as well as of the other States, which does not arise "from her own feelings of honourable justice." The opinion referred to, therefore, is in defiance of the plainest provisions of the Constitution.

There are other proceedings of public bodies which have already been alluded to, and to which I refer again for the purpose of ascertaining more fully what is the length and breadth of that doctrine, denominated the Carolina doctrine, which the honourable member has now stood up on this floor to maintain. In one of them I find it resolved, that "the tariff of 1828, and every other tariff designed to promote one branch of industry at the expense of others, is contrary to the meaning and intention of the federal compact, and such a dangerous, palpable, and deliberate usurpation of power by a determined majority wielding the general government beyond the limits of its delegated powers as calls upon the States which compose the suffering minority, in their sovereign capacity, to exercise the powers which, as sovereigns, necessarily devolve upon them, when their compact is violated."

Observe, sir, that this resolution holds the tariff of 1828, and every other tariff designed to promote one branch of industry at the expense of another, to be such a dangerous, palpable, and deliberate usurpation of power as calls upon the States, in their sovereign capacity, to interfere by their own authority. This denunciation, Mr. President, you will please to observe, includes our old tariff of 1816, as well as all others; because that was established to promote the interest of the manufacturers of cotton, to the manifest and admitted injury of the Calcutta cotton trade. Observe, again, that all the qualifications are here rehearsed and charged upon the tariff which are necessary to bring the case within the gentleman's proposition. The tariff is a usurpation; it is a dangerous usurpation; it is a palpable usurpation; it is a deliberate usurpation. It is such a usurpation, therefore, as calls upon the States to exercise their right of interference. Here is a case, then, within the gentleman's principles, and all his qualifications of his principles. It is a case for action. The Constitution is plainly, dangerously, palpably, and deliberately violated; and the States must interpose their own authority to arrest the law. Let us suppose the State of South Carolina to express this same opinion by the voice of her legislature. That would be very imposing; but what then? Is the voice of one State conclusive? It so happens that, at the very moment when South Carolina resolves that the tariff laws are unconstitutional, Pennsylvania and Kentucky resolve exactly the reverse. *They* hold those laws to be both highly proper and strictly constitutional. And now, sir, how does the honourable member propose to deal

with this case? How does he relieve us from this difficulty, upon any principle of his? His construction gets us into it; how does he propose to get us out?

In Carolina, the tariff is a palpable, deliberate usurpation; Carolina, therefore, may nullify it, and refuse to pay the duties. In Pennsylvania it is both clearly constitutional and highly expedient; and there the duties are to be paid. And yet we live under a government of uniform laws, and under a Constitution too, which contains an express provision, as it happens, that all duties shall be equal in all the States. Does not this approach absurdity?

If there be no power to settle such questions, independent of either of the States, is not the whole Union a rope of sand? Are we not thrown back again, precisely upon the old Confederation?

It is too plain to be argued. Four-and-twenty interpreters of constitutional law, each with a power to decide for itself, and none with authority to bind anybody else, and this constitutional law the only bond of their union! What is such a state of things but a mere connection during pleasure, or, to use the phraseology of the times, *during feeling*? And that feeling, too, not the feeling of the people, who established the Constitution, but the feeling of the State governments.

In another of the South Carolina addresses, having premised that the crisis requires "all the concentrated energy of passion," an attitude of open resistance to the laws of the Union is advised. Open resistance to the laws, then, is the constitutional remedy, the conservative power of the State, which the South Carolina doctrines teach for the redress

of political evils, real or imaginary. And its authors further say that, appealing with confidence to the Constitution itself to justify their opinions, they cannot consent to try their accuracy by the courts of justice. In one sense, indeed, sir, this is assuming an attitude of open resistance in favour of liberty. But what sort of liberty? The liberty of establishing their own opinions, in defiance of the opinions of all others; the liberty of judging and of deciding exclusively themselves, in a matter in which others have as much right to judge and decide as they; the liberty of placing their own opinions above the judgment of all others, above the laws, and above the Constitution. This is their liberty, and this is the fair result of the proposition contended for by the honourable gentleman. Or, it may be more properly said, it is identical with it, rather than a result from it.

Resolutions, sir, have been recently passed by the legislature of South Carolina. I need not refer to them; they go no farther than the honourable gentleman himself has gone, and I hope not so far. I content myself, therefore, with debating the matter with him.

And now, sir, what I have first to say on this subject is, that at no time, and under no circumstances, has New England, or any State in New England, or any respectable body of persons in New England, or any public man of standing in New England, put forth such a doctrine as this Carolina doctrine.

The gentleman has found no case, he can find none, to support his own opinions by New England authority. New England has studied the Constitution in other schools, and under other teachers,

She looks upon it with other regards, and deems more highly and reverently both of its just authority and its utility and excellence. The history of her legislative proceedings may be traced. The ephemeral effusions of temporary bodies, called together by the excitement of the occasion, may be hunted up; they have been hunted up. The opinions and votes of her public men, in and out of Congress, may be explored. It will all be in vain. The Carolina doctrine can derive from her neither countenance nor support. She rejects it now; she always did reject it; and till she loses her senses, she always will reject it. The honourable member has referred to expressions on the subject of the embargo law, made in this place, by an honourable and venerable gentleman, now favouring us with his presence. He quotes that distinguished Senator as saying that, in his judgment, the embargo law was unconstitutional, and that therefore, in his opinion, the people were not bound to obey it. That, sir, is perfectly constitutional language. An unconstitutional law is not binding; *but then it does not rest with a resolution or a law of a State legislature to decide whether an act of Congress be or be not constitutional.* An unconstitutional act of Congress would not bind the people of this District, although they have no legislature to interfere in their behalf; and, on the other hand, a constitutional law of Congress does bind the citizen of every State, although all their legislatures should undertake to annul it by act or resolution. The venerable Connecticut Senator is a constitutional lawyer, of sound principles and enlarged knowledge; a statesman practised and experienced, bred in the company of

Washington, and holding just views upon the nature of our governments. He believed the embargo unconstitutional, and so did others; but what then? Who did he suppose was to decide that question? The State legislatures? Certainly not. No such sentiment ever escaped his lips.

Let us follow up, sir, this New England opposition to the embargo laws; let us trace it till we discern the principle which controlled and governed New England throughout the whole course of that opposition. We shall then see what similarity there is between the New England school of constitutional opinions, and this modern Carolina school. The gentleman, I think, read a petition from some single individual addressed to the legislature of Massachusetts, asserting the Carolina doctrine; that is, the right of State interference to arrest the laws of the Union. The fate of that petition shows the sentiment of the legislature. It met no favour. The opinions of Massachusetts were very different. They had been expressed in 1798, in answer to the resolutions of Virginia, and she did not depart from them, nor bend them to the times. Misgoverned, wronged, oppressed, as she felt herself to be, she still held fast her integrity to the Union. The gentleman may find in her proceedings much evidence of dissatisfaction with the measures of government, and great and deep dislike to the embargo; all this makes the case so much the stronger for her; for, notwithstanding all this dissatisfaction and dislike, she still claimed no right to sever the bonds of the Union. There was heat, and there was anger in her political feeling. Be it so; but neither her heat nor her anger betrayed her into infidelity to the government.

The gentleman labours to prove that she disliked the embargo as much as South Carolina dislikes the tariff, and expressed her dislike as strongly. Be it so; but did she propose the Carolina remedy? did she threaten to interfere, by State authority, to annul the laws of the Union? That is the question for the gentleman's consideration.

No doubt, sir, a great majority of the people of New England conscientiously believed the embargo law of 1807 unconstitutional; as conscientiously, certainly, as the people of South Carolina hold that opinion of the tariff. They reasoned thus: Congress has power to regulate commerce; but here is a law, they said, stopping all commerce, and stopping it indefinitely. The law is perpetual; that is, it is not limited in point of time, and must of course continue until it shall be repealed by some other law. It is as perpetual, therefore, as the law against treason or murder. Now, is this regulating commerce, or destroying it? Is it guiding, controlling, giving the rule to commerce, as a subsisting thing, or is it putting an end to it altogether? Nothing is more certain than that a majority in New England deemed this law a violation of the Constitution. The very case required by the gentleman to justify State interference had then arisen. Massachusetts believed this law to be "a deliberate, palpable, and dangerous exercise of a power not granted by the Constitution." Deliberate it was, for it was long continued; palpable she thought it, as no words in the Constitution gave the power, and only a construction, in her opinion most violent, raised it; dangerous it was, since it threatened utter ruin to her most important interests. Here, then, was a

Carolina case. How did Massachusetts deal with it? It was, as she thought, a plain, manifest, palpable violation of the Constitution, and it brought ruin to her doors. Thousands of families, and hundreds of thousands of individuals, were beggared by it. While she saw and felt all this, she saw and felt also that, as a measure of national policy, it was perfectly futile; that the country was no way benefited by that which caused so much individual distress; that it was efficient only for the production of evil, and all that evil inflicted on ourselves. In such a case, under such circumstances, how did Massachusetts demean herself? Sir, she remonstrated, she memorialized, she addressed herself to the general government, not exactly "with the concentrated energy of passion," but with her own strong sense, and the energy of sober conviction. But she did not interpose the arm of her own power to arrest the law and break the embargo. Far from it. Her principles bound her to two things; and she followed her principles, lead where they might: first, to submit to every constitutional law of Congress; and secondly, if the constitutional validity of the law be doubted, to refer that question to the decision of the proper tribunals. The first principle is vain and ineffectual without the second. A majority of us in New England believed the embargo law unconstitutional; but the great question was, and always will be in such cases, Who is to decide this? Who is to judge between the people and the government? And, sir, it is quite plain that the Constitution of the United States confers on the government itself, to be exercised by its appropriate department, and under its own responsibility to the people, this power of de-

ciding ultimately and conclusively upon the just extent of its own authority. If this had not been done, we should not have advanced a single step beyond the old Confederation.

Being fully of the opinion that the embargo law was unconstitutional, the people of New England were yet equally clear in the opinion (it was a matter they did not doubt upon) that the question, after all, must be decided by the judicial tribunals of the United States. Before these tribunals, therefore, they brought the question. Under the provisions of the law, they had given bonds to millions in amount, and which were alleged to be forfeited. They suffered the bonds to be sued, and thus raised the question. In the old-fashioned way of settling disputes, they went to law. The case came to hearing and solemn argument; and he who espoused their cause, and stood up for them against the validity of the embargo act, was none other than that great man of whom the gentleman has made honourable mention, Samuel Dexter. He was then, sir, in the fulness of his knowledge and the maturity of his strength. He had retired from long and distinguished public service here, to the renewed pursuit of professional duties, carrying with him all that enlargement and expansion, all the new strength and force, which an acquaintance with the more general subjects discussed in the national councils is capable of adding to professional attainment, in a mind of true greatness and comprehension. He was a lawyer, and he was also a statesman. He had studied the Constitution, when he filled public station, that he might defend it; he had examined its principles that he might maintain them. More than all men,

or at least as much as any man, he was attached to the general government and to the union of the States. His feelings and opinions all ran in that direction. A question of constitutional law, too, was, of all subjects, that one which was best suited to his talents and learning. Aloof from technicality, and unfettered by artificial rule, such a question gave opportunity for that deep and clear analysis, that mighty grasp of principle, which so much distinguished his higher efforts. His very statement was argument; his inference seemed demonstration. The earnestness of his own conviction wrought conviction in others. One was convinced, and believed, and assented, because it was gratifying, delightful, to think, and feel, and believe, in unison with an intellect of such evident superiority.

Mr. Dexter, sir, such as I have described him, argued the New England cause. He put into his effort his whole heart, as well as all the powers of his understanding; for he had avowed, in the most public manner, his entire concurrence with his neighbours on the point in dispute. He argued the cause; it was lost, and New England submitted. The established tribunals pronounced the law constitutional, and New England acquiesced. Now, sir, is not this the exact opposite of the doctrine of the gentleman from South Carolina? According to him, instead of referring to the judicial tribunals, we should have broken up the embargo by laws of our own; we should have repealed it, *quoad* New England; for we had a strong, palpable, and oppressive case. Sir, we believed the embargo unconstitutional; but still that was matter of opinion, and who was to decide it? We thought it a clear case;

but, nevertheless, we did not take the law into our own hands, because we did not wish to bring about a revolution, nor to break up the Union; for I maintain, that between submission to the decision of the constituted tribunals, and revolution, or disunion, there is no middle ground; there is no ambiguous condition, half allegiance and half rebellion. And, sir, how futile, how very futile it is, to admit the right of State interference, and then attempt to save it from the character of unlawful resistance, by adding terms of qualification to the causes and occasions, leaving all these qualifications, like the case itself, in the discretion of the State governments. It must be a clear case, it is said, a deliberate case, a palpable case, a dangerous case. But then the State is still left at liberty to decide for herself what is clear, what is deliberate, what is palpable, what is dangerous. Do adjectives and epithets avail anything?

Sir, the human mind is so constituted that the merits of both sides of a controversy appear very clear and very palpable to those who respectively espouse them; and both sides usually grow clearer as the controversy advances. South Carolina sees unconstitutionality in the tariff; she sees oppression there also, and she sees danger. Pennsylvania, with a vision not less sharp, looks at the same tariff, and sees no such thing in it; she sees it all constitutional, all useful, all safe. The faith of South Carolina is strengthened by opposition, and she now not only sees, but *resolves*, that the tariff is palpably unconstitutional, oppressive, and dangerous; but Pennsylvania, not to be behind her neighbours, and equally willing to strengthen her own faith by a

confident asseveration, *resolves*, also, and gives to every warm affirmative of South Carolina, a plain, downright, Pennsylvania negative. South Carolina, to show the strength and unity of her opinion, brings her assembly to a unanimity, within seven voices; Pennsylvania, not to be outdone in this respect any more than in others, reduces her dissentient fraction to a single vote. Now, sir, again, I ask the gentleman, What is to be done? Are these States both right? Is he bound to consider them both right? If not, which is in the wrong? or rather, which has the best right to decide? And if he, and if I, are not to know what the Constitution means, and what it is, till those two State legislatures, and the twenty-two others, shall agree in its construction, what have we sworn to when we have sworn to maintain it? I was forcibly struck, sir, with one reflection, as the gentleman went on in his speech. He quoted Mr. Madison's resolutions, to prove that a State may interfere, in a case of deliberate, palpable, and dangerous exercise of a power not granted. The honourable member supposes the tariff law to be such an exercise of power; and that consequently a case has arisen in which the State may, if it see fit, interfere by its own law. Now it so happens, nevertheless, that Mr. Madison deems this same tariff law quite constitutional. Instead of a clear and palpable violation, it is, in his judgment, no violation at all. So that, while they use his authority for a hypothetical case, they reject it in the very case before them. All this, sir, shows the inherent futility — I had almost used a stronger word — of conceding this power of interference to the State, and then attempting to secure it from abuse by im-

posing qualifications of which the States themselves are to judge. One of two things is true; either the laws of the Union are beyond the discretion and beyond the control of the States; or else we have no constitution of general government, and are thrust back again to the days of the Confederation.

Let me here say, sir, that if the gentleman's doctrine had been received and acted upon in New England, in the times of the embargo and non-intercourse, we should probably not now have been here. The government would very likely have gone to pieces and crumbled into dust. No stronger case can ever arise than existed under those laws; no States can ever entertain a clearer conviction than the New England States then entertained; and if they had been under the influence of that heresy of opinion, as I must call it, which the honourable member espouses, this Union would, in all probability, have been scattered to the four winds. I ask the gentleman, therefore, to apply his principles to that case; I ask him to come forth and declare whether, in his opinion, the New England States would have been justified in interfering to break up the embargo system under the conscientious opinions which they held upon it? Had they a right to annul that law? Does he admit or deny? If what is thought palpably unconstitutional in South Carolina justifies that State in arresting the progress of the law, tell me whether that which was thought palpably unconstitutional also in Massachusetts would have justified her in doing the same thing? Sir, I deny the whole doctrine. It has not a foot of ground in the Constitution to stand on. No public man of reputation ever advanced it in Massachu-

setts in the warmest times, or could maintain himself upon it there at any time.

I must now beg to ask, sir, Whence is this supposed right of the States derived? Where do they find the power to interfere with the laws of the Union? Sir, the opinion which the honourable gentleman maintains is a notion founded in a total misapprehension, in my judgment, of the origin of this government, and of the foundation on which it stands. I hold it to be a popular government, erected by the people; those who administer it responsible to the people; and itself capable of being amended and modified, just as the people may choose it should be. It is as popular, just as truly emanating from the people, as the State governments. It is created for one purpose; the State governments for another. It has its own powers; they have theirs. There is no more authority with them to arrest the operation of a law of Congress, than with Congress to arrest the operation of their laws. We are here to administer a Constitution emanating immediately from the people, and trusted by them to our administration. It is not the creature of the State governments. It is of no moment to the argument, that certain acts of the State legislatures are necessary to fill our seats in this body. That is not one of their original State powers, a part of the sovereignty of the State. It is a duty which the people, by the Constitution itself, have imposed on the State legislatures; and which they might have left to be performed elsewhere, if they had seen fit. So they have left the choice of President with electors; but all this does not affect the proposition that this whole government, President,

Senate, and House of Representatives, is a popular government. It leaves it still all its popular character. The governor of a State (in some of the States) is chosen, not directly by the people, but by those who are chosen by the people, for the purpose of performing, among other duties, that of electing a governor. Is the government of the State, on that account, not a popular government? This government, sir, is the independent offspring of the popular will. It is not the creature of State legislatures; nay, more, if the whole truth must be told, the people brought it into existence, established it, and have hitherto supported it, for the very purpose, amongst others, of imposing certain salutary restraints on State sovereignties. The States cannot now make war; they cannot contract alliances; they cannot make, each for itself, separate regulations of commerce; they cannot lay imposts; they cannot coin money. If this Constitution, sir, be the creature of State legislatures, it must be admitted that it has obtained a strange control over the volitions of its creators.

The people, then, sir, erected this government. They gave it a Constitution, and in that Constitution they have enumerated the powers which they bestow on it. They have made it a limited government. They have defined its authority. They have restrained it to the exercise of such powers as are granted; and all others, they declare, are reserved to the States or the people. But, sir, they have not stopped here. If they had, they would have accomplished but half their work. No definition can be so clear as to avoid possibility of doubt; no limitation so precise as to exclude all uncertainty. Who,

then, shall construe this grant of the people? Who shall interpret their will, where it may be supposed they have left it doubtful? With whom do they repose this ultimate right of deciding on the powers of the government? Sir, they have settled all this in the fullest manner. They have left it with the government itself, in its appropriate branches. Sir, the very chief end, the main design, for which the whole Constitution was framed and adopted, was to establish a government that should not be obliged to act through State agency, or depend on State opinion and State discretion. The people had had quite enough of that kind of government under the Confederation. Under that system, the legal action, the application of law to individuals, belonged exclusively to the States. Congress could only recommend; their acts were not of binding force, till the States had adopted and sanctioned them. Are we in that condition still? Are we yet at the mercy of State discretion and State construction? Sir, if we are, then vain will be our attempt to maintain the Constitution under which we sit.

But, sir, the people have wisely provided, in the Constitution itself, a proper, suitable mode and tribunal for settling questions of constitutional law. There are in the Constitution grants of powers to Congress, and restrictions on these powers. There are also prohibitions on the States. Some authority must, therefore, necessarily exist, having the ultimate jurisdiction to fix and ascertain the interpretation of these grants, restrictions, and prohibitions. The Constitution has itself pointed out, ordained, and established that authority. How has it accomplished this great and essential end? By declaring,

sir, that "*the Constitution, and the laws of the United States made in pursuance thereof, shall be the supreme law of the land, anything in the constitution or laws of any State to the contrary notwithstanding.*"

This, sir, was the first great step. By this the supremacy of the Constitution and laws of the United States is declared. The people so will it. No State law is to be valid which comes in conflict with the Constitution, or any law of the United States passed in pursuance of it. But who shall decide this question of interference? To whom lies the last appeal? This, sir, the Constitution itself decides also, by declaring that "*the judicial power shall extend to all cases arising under the Constitution and laws of the United States.*" These two provisions cover the whole ground. They are, in truth, the keystone of the arch! With these it is a government; without them it is a confederation. In pursuance of these clear and express provisions, Congress established, at its very first session, in the judicial act, a mode for carrying them into full effect, and for bringing all questions of constitutional power to the final decision of the Supreme Court. It then, sir, became a government. It then had the means of self-protection; and but for this, it would in all probability have been now among things which are past. Having constituted the government and declared its powers, the people have further said that, since somebody must decide on the extent of these powers, the government shall itself decide; subject, always, like other popular governments, to its responsibility to the people. And now, sir, I repeat, how is it that a State legis-

lature acquires any power to interfere? Who, or what, gives them the right to say to the people, "We, who are your agents and servants for one purpose, will undertake to decide, that your other agents and servants, appointed by you for another purpose, have transcended the authority you gave them"? The reply would be, I think, not impertinent, "Who made you a judge over another's servants? To their own masters they stand or fall."

Sir, I deny this power of State legislatures altogether. It cannot stand the test of examination. Gentlemen may say that, in an extreme case, a State government might protect the people from intolerable oppression. Sir, in such a case, the people might protect themselves without the aid of the State governments. Such a case warrants revolution. It must make, when it comes, a law for itself. A nullifying act of a State legislature cannot alter the case, nor make resistance any more lawful. In maintaining these sentiments, sir, I am but asserting the rights of the people. I state what they have declared, and insist on their right to declare it. They have chosen to repose this power in the general government, and I think it my duty to support it, like other constitutional powers.

For myself, sir, I do not admit the competency of South Carolina, or any other State, to prescribe my constitutional duty; or to settle, between me and the people, the validity of laws of Congress for which I have voted. I decline her umpirage. I have not sworn to support the Constitution according to her construction of its clauses. I have not stipulated, by my oath of office or otherwise, to come under any responsibility, except to the people, and those whom

they have appointed to pass upon the question, whether laws, supported by my votes, conform to the Constitution of the country. And, sir, if we look to the general nature of the case, could anything have been more preposterous than to make a government for the whole Union, and yet leave its powers subject, not to one interpretation, but to thirteen or twenty-four interpretations? Instead of one tribunal, established by all, responsible to all, with power to decide for all, shall constitutional questions be left to four-and-twenty popular bodies, each at liberty to decide for itself, and none bound to respect the decisions of others, — and each at liberty, too, to give a new construction on every new election of its own members? Would anything with such a principle in it, or rather with such a destitution of all principle, be fit to be called a government? No, sir. It should not be denominated a Constitution. It should be called, rather, a collection of topics for everlasting controversy; heads of debate for a disputatious people. It would not be a government. It would not be adequate to any practical good, or fit for any country to live under.

To avoid all possibility of being misunderstood, allow me to repeat again, in the fullest manner, that I claim no powers for the government by forced or unfair construction. I admit that it is a government of strictly limited powers; of enumerated, specified, and particularized powers; and that whatsoever is not granted is withheld. But notwithstanding all this, and however the grant of powers may be expressed, its limit and extent may yet, in some cases, admit of doubt; and the general government would be good for nothing, it would be incapable of long

existing, if some mode had not been provided in which those doubts, as they should arise might be peaceably, but authoritatively, solved.

And now, Mr. President, let me run the honourable gentleman's doctrine a little into its practical application. Let us look at his probable *modus operandi*. If a thing can be done, an ingenious man can tell *how* it is to be done, and I wish to be informed *how* this State interference is to be put in practice, without violence, bloodshed, and rebellion. We will take the existing case of the tariff law. South Carolina is said to have made up her opinion upon it. If we do not repeal it (as we probably shall not), she will then apply to the case the remedy of her doctrine. She will, we must suppose, pass a law of her legislature, declaring the several acts of Congress usually called the tariff laws null and void, so far as they respect South Carolina, or the citizens thereof. So far, all is a paper transaction, and easy enough. But the collector at Charleston is collecting the duties imposed by these tariff laws. He, therefore, must be stopped. The collector will seize the goods if the tariff duties are not paid. The State authorities will undertake their rescue; the marshal, with his posse, will come to the collector's aid; and here the contest begins. The militia of the State will be called out to sustain the nullifying act. They will march, sir, under a very gallant leader; for I believe the honourable member himself commands the militia of that part of the State. He will raise the NULLIFYING ACT on his standard, and spread it out as his banner! It will have a preamble, setting forth that the tariff laws are palpable, deliberate, and dangerous viola-

tions of the Constitution! He will proceed, with this banner flying, to the customhouse in Charleston,

“All the while
Sonorous metal blowing martial sounds.”

Arrived at the customhouse, he will tell the collector that he must collect no more duties under any of the tariff laws. This he will be somewhat puzzled to say, by the way, with a grave countenance, considering what hand South Carolina herself had in that of 1816. But, sir, the collector would not, probably, desist at his bidding. He would show him the law of Congress, the treasury instruction, and his own oath of office. He would say he should perform his duty, come what come might.

Here would ensue a pause; for they say that a certain stillness precedes the tempest. The trumpeter would hold his breath awhile, and before all this military array should fall on the customhouse, collector, clerks, and all, it is very probable some of those composing it would request of their gallant commander-in-chief to be informed a little upon the point of law; for they have, doubtless, a just respect for his opinions as a lawyer, as well as for his bravery as a soldier. They know he has read Blackstone and the Constitution, as well as Turenne and Vauban. They would ask him, therefore, something concerning their rights in this matter. They would inquire whether it was not somewhat dangerous to resist a law of the United States. What would be the nature of their offence, they would wish to learn, if they, by military force and array, resisted the execution in Carolina of a law of the United States, and it should turn out, after all, that

the law *was constitutional*? He would answer, of course, Treason. No lawyer could give any other answer. John Fries, he would tell them, had learned that, some years ago. "How, then," they would ask, "do you propose to defend us? We are not afraid of bullets, but treason has a way of taking people off that we do not much relish. How do you propose to defend us?" "Look at my floating banner," he would reply; "see there the *nullifying law*!" "Is it your opinion, gallant commander," they would then say, "that, if we should be indicted for treason, that same floating banner of yours would make a good plea in bar?" "South Carolina is a sovereign State," he would reply. "That is true; but would the judge admit our plea?" "These tariff laws," he would repeat, "are unconstitutional, palpably, deliberately, dangerously." "That may all be so; but if the tribunal should not happen to be of that opinion, shall we swing for it? We are ready to die for our country, but it is rather an awkward business, this dying without touching the ground! After all, that is a sort of hemp tax worse than any part of the tariff."

Mr. President, the honourable gentleman would be in a dilemma, like that of another great general. He would have a knot before him which he could not untie. He must cut it with his sword. He must say to his followers, "Defend yourselves with your bayonets"; and this is war, — civil war.

Direct collision, therefore, between force and force, is the unavoidable result of that remedy for the revision of unconstitutional laws which the gentleman contends for. It must happen in the

very first case to which it is applied. Is not this the plain result? To resist by force the execution of a law, generally, is treason. Can the courts of the United States take notice of the indulgence of a State to commit treason? The common saying, that a State cannot commit treason herself, is nothing to the purpose. Can she authorize others to do it? If John Fries had produced an act of Pennsylvania, annulling the law of Congress, would it have helped his case? Talk about it as we will, these doctrines go the length of revolution. They are incompatible with any peaceable administration of the government. They lead directly to disunion and civil commotion; and therefore it is, that at their commencement, when they are first found to be maintained by respectable men, and in a tangible form, I enter my public protest against them all.

The honourable gentleman argues that, if this government be the sole judge of the extent of its own powers, whether that right of judging be in Congress or the Supreme Court, it equally subverts State sovereignty. This the gentleman sees, or thinks he sees, although he cannot perceive how the right of judging, in this matter, if left to the exercise of State legislatures, has any tendency to subvert the government of the Union. The gentleman's opinion may be, that the right *ought not* to have been lodged with the general government; he may like better such a constitution as we should have under the right of State interference; but I ask him to meet me on the plain matter of fact. I ask him to meet me on the Constitution itself. I ask him if the power is not found there, clearly and visibly found there?

But, sir, what is this danger, and what are the grounds of it? Let it be remembered, that the Constitution of the United States is not unalterable. It is to continue in its present form no longer than the people who established it shall choose to continue it. If they shall become convinced that they have made an injudicious or inexpedient partition and distribution of power between the State governments and the general government, they can alter that distribution at will.

If anything be found in the national Constitution, either by original provision or subsequent interpretation, which ought not to be in it, the people know how to get rid of it. If any construction unacceptable to them be established, so as to become practically a part of the Constitution, they will amend it at their own sovereign pleasure. But while the people choose to maintain it as it is, while they are satisfied with it and refuse to change it, who has given, or who can give, to the State legislatures a right to alter it, either by interference, construction, or otherwise? Gentlemen do not seem to recollect that the people have any power to do anything for themselves. They imagine there is no safety for them, any longer than they are under the close guardianship of the State legislatures. Sir, the people have not trusted their safety in regard to the general Constitution to these hands. They have required other security, and taken other bonds. They have chosen to trust themselves, first, to the plain words of the instrument, and to such construction as the government themselves, in doubtful cases, should put on their own powers, under their oaths of office, and subject to their responsibility

to them; just as the people of a State trust their own State governments with a similar power. Secondly, they have reposed their trust in the efficacy of frequent elections, and in their own power to remove their own servants and agents whenever they see cause. Thirdly, they have reposed trust in the judicial power, which, in order that it might be trustworthy, they have made as respectable, as disinterested, and as independent as was practicable. Fourthly, they have seen fit to rely, in case of necessity or high expediency, on their known and admitted power to alter or amend the Constitution, peaceably and quietly, whenever experience shall point out defects or imperfections. And, finally, the people of the United States have at no time, in no way, directly or indirectly, authorized any State legislature to construe or interpret *their* high instrument of government; much less to interfere, by their own power, to arrest its course and operation.

If, sir, the people in these respects had done otherwise than they have done, their Constitution could neither have been preserved, nor would it have been worth preserving. And if its plain provisions shall now be disregarded, and these new doctrines interpolated in it, it will become as feeble and helpless a being as its enemies, whether early or more recent, could possibly desire. It will exist in every State but as a poor dependent on State permission. It must borrow leave to be; and will be, no longer than State pleasure, or State discretion, sees fit to grant the indulgence, and to prolong its poor existence.

But, sir, although there are fears, there are hopes

also. The people have preserved this, their own chosen Constitution, for forty years, and have seen their happiness, prosperity, and renown grow with its growth, and strengthen with its strength. They are now, generally, strongly attached to it. Overthrown by direct assault it cannot be; evaded, undermined, NULLIFIED, it will not be, if we and those who shall succeed us here as agents and representatives of the people shall conscientiously and vigilantly discharge the two great branches of our public trust, faithful to preserve, and wisely to administer it.

Mr. President, I have thus stated the reasons of my dissent to the doctrines which have been advanced and maintained. I am conscious of having detained you and the Senate much too long. I was drawn into the debate with no previous deliberation, such as is suited to the discussion of so grave and important a subject. But it is a subject of which my heart is full, and I have not been willing to suppress the utterance of its spontaneous sentiments. I cannot, even now, persuade myself to relinquish it, without expressing once more my deep conviction that, since it respects nothing less than the Union of the States, it is of most vital and essential importance to the public happiness. I profess, sir, in my career hitherto, to have kept steadily in view the prosperity and honour of the whole country, and the preservation of our Federal Union. It is to that Union we owe our safety at home, and our consideration and dignity abroad. It is to that Union that we are chiefly indebted for whatever makes us most proud of our country. That Union we reached only by the discipline of our virtues in

the severe school of adversity. It had its origin in the necessities of disordered finance, prostrate commerce, and ruined credit. Under its benign influences, these great interests immediately awoke, as from the dead, and sprang forth with newness of life. Every year of its duration has teemed with fresh proofs of its utility and its blessings; and although our territory has stretched out wider and wider, and our population spread farther and farther, they have not outrun its protection or its benefits. It has been to us all a copious fountain of national, social, and personal happiness.

I have not allowed myself, sir, to look beyond the Union, to see what might lie hidden in the dark recess behind. I have not coolly weighed the chances of preserving liberty when the bonds that unite us together shall be broken asunder. I have not accustomed myself to hang over the precipice of disunion, to see whether, with my short sight, I can fathom the depth of the abyss below; nor could I regard him as a safe counsellor in the affairs of this government, whose thoughts should be mainly bent on considering, not how the Union may be best preserved, but how tolerable might be the condition of the people when it should be broken up and destroyed. While the Union lasts, we have high, exciting, gratifying prospects spread out before us, for us and our children. Beyond that I seek not to penetrate the veil. God grant that, in my day, at least, that curtain may not rise! God grant that on my vision never may be opened what lies behind! When my eyes shall be turned to behold for the last time the sun in heaven, may I not see him shining on the broken and dishonoured fragments

of a once glorious Union; on States dissevered, discordant, belligerent; on a land rent with civil feuds, or drenched, it may be, in fraternal blood! Let their last feeble and lingering glance rather behold the gorgeous ensign of the republic, now known and honoured throughout the earth, still full high advanced, its arms and trophies streaming in their original lustre, not a stripe erased or polluted, nor a single star obscured, bearing for its motto no such miserable interrogatory as "What is all this worth?" nor those other words of delusion and folly, "Liberty first and Union afterwards"; but everywhere, spread all over in characters of living light, blazing on all its ample folds, as they float over the sea and over the land, and in every wind under the whole heavens, that other sentiment, dear to every true American heart, — Liberty *and* Union, now and for ever, one and inseparable!

XV
LINCOLN



LINCOLN

ABRAHAM LINCOLN was a very poor boy, and for the most part was self-educated. He got some experience in speaking in a country debating society, and read and studied the best models. When he became a lawyer he made an impression first through his ability to tell a good story, and then by his simple, common-sense directness. He was earnest, cool-headed, and supplied with something worth saying. His first success as a speaker was in his great series of debates with Douglas. He did not win because of any special declamatory power, but simply because he had the points and stated them clearly and incisively. Feeling his lack of training, he never attempted any display; but what he had to say he tried to say just as effectively as he could, with whatever forcible illustrations he might command.

His inaugural addresses were statements to the people, who had elected him President of the United States at a time that was peculiarly trying; and in them his simplicity and directness reach the dignity of high artistic accomplishment, all the more effective because apparently quite unconscious.

On the occasion of the dedication of the monument which was raised on the field where the battle of Gettysburg was fought and thousands of soldiers had fallen and were buried, Edward Everett was the orator of the day; but Lincoln, as President, was asked "to make a few remarks." For three hours Everett spoke in his most eloquent strain.¹ He was a man of the broadest culture, and had received a thorough oratorical education. The assembled audience listened to his eloquent display with the closest attention and undisguised admiration. When he had finished and the plain, uneducated Lincoln was introduced, more than one of those present felt that it was decidedly unfortunate that this untrained speaker should be called upon to utter halting words as an anti-climax to Everett's splendid eloquence. But when Lincoln began the shortest complete oration of high merit which history records, the throng was hushed, admiring attention was changed to solemnity, and in three minutes' time the heart of every one present had been moved to its core, and all had been lifted out of themselves into a nobler world. "How happy should I have been," exclaimed Everett afterward, "if I could have produced in three hours the effect that Lincoln produced in three minutes!"

The speech is artistically faultless. Its power lies in its perfect simplicity. As far as it goes, it is the equal of anything we find in Demos-

¹ It was his last speech.

thenes. Had Lincoln received the training that Demosthenes received, and lived in an age and in a country where the art of public speaking had been brought to perfection and was the principal equipment of a statesman, it is easy to believe that he might have rivalled the Greek for the first place among the world's orators. As it was, however, his powers as an orator remained almost wholly undeveloped, and only in this one instance does he rise to the greatest heights.

THE GETTYSBURG ADDRESS

(NOVEMBER 19, 1863)

FOURSCORE and seven years ago our fathers brought forth upon this continent a new nation, conceived in liberty, and dedicated to the proposition that all men are created equal. Now we are engaged in a great civil war, testing whether that nation, or any nation so conceived and so dedicated, can long endure. We are met on a great battlefield of that war. We have come to dedicate a portion of that field as a final resting-place for those who here gave their lives that that nation might live. It is altogether fitting and proper that we should do this. But in a larger sense we cannot dedicate, we cannot consecrate, we cannot hallow this ground. The brave men, living and dead, who struggled here, have consecrated it far above our power to add or detract. The world will little note, nor long remember, what we say here, but it can never forget what they did here. It is for us, the

living, rather to be dedicated here to the unfinished work which they who fought here have thus far so nobly advanced. It is rather for us to be here dedicated to the great task remaining before us, that from these honoured dead we take increased devotion to that cause for which they gave the last full measure of devotion; that we here highly resolve that these dead shall not have died in vain; that this nation, under God, shall have a new birth of freedom, and that government of the people, by the people, and for the people, shall not perish from the earth.

XVI
GLADSTONE

GLADSTONE

ANCIENT oratory was most carefully prepared for in advance, and was conscious art; eighteenth century oratory was extemporaneous and impassioned, and this style found its last great exemplar in Macaulay; but the latter half of the nineteenth century brought a wholly different style — a style in which appeal to the passions was reduced to a minimum, and in which art seemed dispensed with also: at least this was the style adopted by the bar and the platform, while various kinds of display came into vogue for special occasions — after-dinner oratory, and what I have called “trance” oratory, a brilliant extemporaneous display which seemed to excite unbounded admiration, but did little toward producing conviction.

The unimpassioned type of oratory reached its perfection in statesmen like William Ewart Gladstone, who was listened to primarily because people wanted to hear what he had to say, and because his explanation and analysis of the case was highly instructive. Says one who knew him: “His triumphs as a debater were achieved by the aid — not of the passions; not of prejudice and fallacy; not of imagination and high

✓ seductive colouring, as with Macaulay; but — of pure reason. He did not unhorse his opponent in the tourney, but checkmated him on the chess-board." His voice sounded as if it came from afar. He made little or no attempt to be impressive by either tone or gesture, and he commanded attention by his penetrating eye rather than by any commanding attitude or physical presence, in which he was lacking. Of intellectual passion, however, he had plenty, and as he spoke he often rose on his toes, suggesting the effect of a great man rising to a great occasion.

Gladstone was remarkable for a wonderful fund of information. He always had something interesting to say, and the public was always eager to hear it. His style was simple, unembellished, and merely expressive. It had a pleasant musical flow, and was highly instructive. Indeed, Gladstone was the consummate type, not of the pedagogue, but of the true teacher. He was a good, interesting lecturer, not in the conventional sense, but in an ideal way. But like all ✓ teachers and lecturers, he was inclined to be more ✓ interested in his subject than were his auditors, ✓ and to wish to say much more about it than they ✓ wished to hear. As an educated man, too, he liked to use the words which expressed his meaning best to himself, even if they were not familiar to his hearers. Hence he was accused of being diffuse, and of using too many words of Latin origin.

The modern speaker addresses a wide audience through the press, as well as his immediate audience. It is therefore important that his speech read well, as well as sound well — indeed its reading qualities are rather the more important. Impassioned bursts of oratory produce but little effect on the reader, who seldom cares to read ornate orations, and is even inclined to laugh at any oratorical display introduced into a serious discussion — for it seems to him suspicious. The modern reader has become wary — and this has made the modern listener wary. This element of suspiciousness attending oratorical display is undoubtedly the reason for its total elimination from modern serious speaking. It is tolerated only when the people go to witness a display, and take it as they would a theatrical entertainment.

Gladstone is undoubtedly the best model for the teacher or lecturer. He was free from the crabbedness of the pedagogical, he never fell into a rut, and he was never intrinsically dry — that is, he would not have seemed dry to any one as much interested in his subject as he was.

One of his most famous addresses was that delivered at the founding of the Wedgwood Institute. It was a suitable occasion for an instructive discourse, and Gladstone delivered a speech which not only entertained his hearers, but has been read as an essay by thousands since. It reads as well in print as it sounded when deliv-

ered, and the subject is one to appeal to all persons of culture. The style is limpid, flowing, and natural, and the words seem to glide into the mind with a sort of idyllic grace. The teacher or lecturer could not find a better example for imitation.

THE COMMERCIAL VALUE OF ARTISTIC EXCELLENCE

(FROM THE ADDRESS DELIVERED AT THE FOUNDING OF WEDGWOOD INSTITUTE IN STAFFORDSHIRE, OCTOBER 26, 1863)

WE may consider the products of industry with reference to their utility, or to their cheapness, or with regard to their influence upon the conditions of those who produce them, or, lastly, with reference to their beauty, to the degree in which they associate the presentation of forms and colours agreeable to the cultivated eye, with the attainment of the highest aptitude for those purposes of common life for which they are properly designed. First, as to their utility and convenience, considered alone, we may leave that to the consumer, who will not buy what does not suit him. As to their cheapness, when once security has been taken that an entire society shall not be forced to pay an artificial price to some of its members for their productions, we may safely commit the question to the action of competition among manufactures, and of what we term the laws of supply and demand. As to the condition of work-people, experience has shown,

especially in the case of the Factory Acts, that we should do wrong in laying down any abstract maxim as an invariable rule. Generally it may be said that the presumption is, in every case, against legislative interference, but that upon special grounds, and most of all where children are employed, it may sometimes not only be warranted, but required. This, however, though I may again advert to it, is not for to-day our special subject. We come, then, to the last of the heads which I have named; the association of beauty with utility, each of them taken according to its largest sense, in the business of industrial production. And it is in this department, I conceive, that we are to look for the peculiar preëminence. I will not scruple to say the peculiar greatness, of Wedgwood.

Now, do not let us suppose that, when we speak of this association of beauty with convenience, we speak either of a matter which is light and fanciful, or of one which may, like some of those I have named, be left to take care of itself. Beauty is not an accident of things, it pertains to their essence; it pervades the wide range of creation; and wherever it is impaired or banished, we have in this fact proof of the moral disorder which disturbs the world. Reject, therefore, the false philosophy of those who will ask what does it matter, provided a thing be useful, whether it be beautiful or not; and say in reply, that we will take one lesson from Almighty God, who in his works hath shown us, and in his Word also hath told us, that "He hath made everything," — not one thing, or another thing, but everything, — "beautiful in his time." Among all the devices of creation, there is not one

more wonderful, — whether it be the movement of the heavenly bodies, or the succession of the seasons and the years, or the adaptation of the world and its phenomena to the conditions of human life, or the structure of the eye, or hand, or any other part of the frame of man, — not one of all these is more wonderful than the profuseness with which the mighty Maker has been pleased to shed over the works of His hands an endless and boundless beauty.

And to this constitution of things outward, the constitution and mind of man, deranged although they be, still answer from within. Down to the humblest condition of life, down to the lowest and most backward grade of civilization, the nature of man craves, and seems, as it were, even to cry aloud, for something, some sign or token at the least, of what is beautiful, in some of the many spheres of mind or sense. This it is that makes the Spital-fields weaver, amidst the murky streets of London, train canaries and bullfinches to sing to him at his work; that fills with flower-pots the windows of the poor; that leads the peasant of Pembrokeshire to paint the outside of his cottage in the gayest colours; that prompts in the humbler classes of women a desire for some little personal ornament, — a desire certainly not without dangers (for what sort of indulgence can ever be without them?), yet sometimes, perhaps, too sternly repressed from the high and luxurious places of society. But, indeed, we trace the operation of this principle yet more conspicuously in a loftier region; in that instinct of natural and Christian piety, which taught the early masters of the fine arts to clothe, not only the most venerable characters associated with the ob-

jects and history of our faith, but especially the idea of the sacred person of our Lord, in the noblest forms of beauty that their minds could conceive and their hands could execute.

It is, in short, difficult for human beings to harden themselves at all points against the impressions and charms of beauty. Every form of life that can be called in any sense natural will admit them. If we look for an exception, we shall perhaps come nearest to finding one in a quarter where it would not at first be expected. I know not whether there is any one among the many species of human aberration that renders a man so entirely callous as the lust of gain in its extreme degrees. That passion, where it has full dominion, excludes every other; it shuts out even what might be called redeeming infirmities; it blinds men to the sense of beauty, as much as to the perception of justice and right; cases might perhaps be named of countries where greediness for money holds the widest sway, and where unmitigated ugliness is the principal characteristic of industrial products. On the other hand, I do not believe it is extravagant to say that the pursuit of the element of beauty, in the business of production, will be found to act with a genial, chastening, and refining influence on the commercial spirit; that, up to a certain point, it is in the nature of a preservative against some of the moral dangers that beset trading and manufacturing enterprises; and that we are justified in regarding it not merely as an economical benefit; not merely as that which contributes to our works an element of value; not merely as that which supplies a particular faculty of human nature with its proper food;

but as a liberalizing and civilizing power, and an instrument, in its own sphere, of moral and social improvement. Indeed, it would be strange if a deliberate departure from what we see to be the law of Nature, in its outward sphere, were the road to a close conformity with its innermost and highest laws.

But now let us not conceive that because the love of beauty finds for herself a place in the general heart of mankind, therefore we need never make it the object of a special attention, or put in action special means to promote and to uphold it. For, after all, our attachment to it is a matter of degree, and of degree which experience has shown to be, in different places and at different times, indefinitely variable. We may not be able to reproduce the age of Pericles, or even that which is known as the *Cinquecento*; but yet it depends upon our own choice whether we shall or shall not have a title to claim kindred, however remotely, with either, aye, or with both, of these brilliant periods. What we are bound to is this: to take care that everything we produce shall, in its kind and class, be as good as we can make it. When Doctor Johnson, whom I suppose Staffordshire must ever reckon among her most distinguished ornaments, was asked by Mr. Boswell how he had attained to his extraordinary excellence in conversation, he replied, he had no other rule or system than this: that whenever he had anything to say, he tried to say it in the best manner he was able. It is this perpetual striving after excellence on the one hand, or the want of such effort on the other, which, more than the original difference of gifts (certain and great as

that difference may be) contributes to bring about the differences we observe in the works and characters of men. Now, such efforts are more rare in proportion as the object in view is higher, the reward more distant.

It appears to me that in the application of beauty to works of utility, the reward is generally remote. A new element of labour is imported into the process of production; and that element, like others, must be paid for. In the modest publication which the firm of Wedgwood and Bentley put forth under the name of a Catalogue, but which really contains such sound and useful teaching on the principles of industrial art, they speak plainly on this subject to the following effect:—

“There is another error, common with those who are not over-well acquainted with the particular difficulties of a given art; they often say that a beautiful object can be manufactured as cheaply as an ugly one. A moment's reflection should suffice to undeceive them.”

The beautiful object will be dearer than one perfectly bare and bald, not because utility is curtailed or compromised for the sake of beauty, but because there may be more manual labour, and there must be more thought in the original design:—

“Pater ipse colendi
Haud facilem esse viam voluit.”

Therefore the manufacturer, whose daily thought it must and ought to be to cheapen his productions, endeavouring to dispense with all that can be spared, is under much temptation to decline letting beauty stand as an item to lengthen the account of the costs

of production. So the pressure of economical laws tells severely upon the finer elements of trade. And yet it may be argued that, in this as in other cases, in the case, for example, of the durability and solidity of articles, that which appears cheapest at first may not be cheapest in the long run. And this for two reasons. In the first place, because in the long run mankind are willing to pay a price for beauty. I will seek for a proof of this proposition in an illustrious neighbouring nation. France is the second commercial country of the world, and her command of foreign markets seems clearly referable, in a great degree, to the real elegance of her productions, and to establish in the most intelligible form the principle that taste has an exchangeable value; that it fetches a price in the markets of the world.

But, furthermore, there seems to be another way by which the law of nature arrives at its revenge upon the short-sighted lust for cheapness. We begin, say, by finding beauty expensive. We accordingly decline to pay a class of artists for producing it. Their employment ceases; and the class itself disappears. Presently we find by experience that works reduced to utter baldness do not long satisfy. We have to meet a demand for embellishment of some kind. But we have starved out the race who knew the laws and modes of its production. Something, however, must be done. So we substitute strength for flavour, quantity for quality; and we end by producing incongruous excrescences, or even hideous malformations at a greater cost than would have sufficed for the nourishment among us, without a break, of chaste and virgin art.

Thus, then, the penalty of error may be certain;

but it may remain not the less true that the reward of sound judgment and right action, depending, as it does, not on to-day or to-morrow, but on the far-stretching future, is remote. In the same proportion, it is wise and needful to call in aid all the secondary resources we can command. Among these instruments, and among the best of them, is to be reckoned the foundation of institutes such as that which you are now about to establish ; for they not only supply the willing with means of instruction, but they bear witness from age to age to the principle on which they are founded ; they carry down the tradition of good times through the slumber and the night of bad times, ready to point the path to excellence, when the dawn returns again. I heartily trust the Wedgwood Institute will be one worthy of its founders and of its object.

XVII
INGERSOLL



INGERSOLL

ROBERT G. INGERSOLL is best known as an infidel and an active enemy of Christianity. In that capacity we have nothing to do with him in this place. He was also, however, one of the most marvellous masters of modern rhetorical display — what I have called a “trance orator.” He could enter into an exalted dreamy mood and weave pictures of the most fascinating brilliancy. The pathetic atmosphere perhaps suited him best. In this style of oratory sentiment has taken the place of passion. Sentiment pleases, but it does not move men to do. Ingersoll entertained thousands; he convinced or changed the opinions of few.

Oratory of this kind is eminently suited to special occasions, such as Decoration Day, Fourth of July, and the like. People are out for a holiday. No great question is at stake, no important argument can be made, but the sentimental mind can be exalted. It is an occasion for stimulating patriotism, for leading the mind into fields it is not accustomed to enter, and for calling forth unsuspected emotions.

This is very much the style of the most successful pulpit oratory. Sunday has become a

holiday, and people go to church to get a pious entertainment, a little sentimental or intellectual or moral fillip for the week. Modern preachers would do well to study Ingersoll, not for his arguments against Christianity, but for his method of speaking.

The following selection, the peroration of his Decoration Day oration in 1888, is a composition which has seldom been surpassed. The vision of war was written many years before; but to it for the occasion the speaker added "a vision of the future." Of course the whole was merely recited from memory. Displays of this kind when extemporaneous are seldom perfect enough in detail to bear reporting and subsequent reading; and speeches like this which are delivered extemporaneously have been rewritten by their authors for the special purposes of publication.

A VISION OF WAR AND A VISION OF THE FUTURE

(DECORATION DAY ORATION, 1888)

THE past rises before me like a dream. Again we are in the great struggle for national life. We hear the sounds of preparation—the music of boisterous drums—the silver voices of heroic bugles. We see thousands of assemblages, and hear the appeals of orators. We see the pale cheeks of women, and the flushed faces of men;

and in those assemblages we see all the dead whose dust we have covered with flowers. We lose sight of them no more. We are with them when they enlist in the great army of freedom. We see them part with those they love. Some are walking for the last time in quiet, woody places, with the maidens they adore. We hear the whisperings and the sweet vows of eternal love as they lingeringly part for ever. Others are bending over cradles, kissing babes that are asleep. Some are receiving the blessings of old men. Some are parting with mothers who hold them and press them to their hearts again and again, and say nothing. Kisses and tears, tears and kisses; divine mingling of agony and love! And some are talking with wives, and endeavouring with brave words, spoken in the old tones, to drive from their hearts the awful fear. We see them part. We see the wife standing in the door with the babe in her arms — standing in the sunlight sobbing. At the turn of the road a hand waves — she answers by holding high in her loving arms the child. He is gone, and for ever.

We see them all as they march proudly away ~~under the flaunting flags~~, keeping time to the grand, wild music of war — marching down the streets of the great cities — through the towns and across the prairies — down to the fields of glory, to do and to die for the eternal right.

We go with them, one and all. We are by their side on all the gory fields — in all the hospitals of pain — on all the weary marches. We stand guard with them on the wild storm and under the quiet stars. We are with them in ravines running with blood — in the furrows of old fields. We are with

them between contending hosts, unable to move, wild with thirst, the life ebbing slowly away among the withered leaves. We see them pierced by balls and torn with shells, — in the trenches, by forts, and in the whirlwind of the charge, where men become iron, with nerves of steel.

We are with them in the prisons of hatred and famine; but human speech can never tell what they endured.

We are at home when the news comes that they are dead. We see the maiden in the shadow of her first sorrow. We see the silvered head of the old man bowed with the last grief.

The past rises before us, and we see four millions of human beings governed by the lash! We see them bound hand and foot; we hear the strokes of cruel whips; we see the hounds tracking women through tangled swamps; we see babes sold from the breasts of mothers. Cruelty unspeakable! Outrage infinite!

Four million bodies in chains — four million souls in fetters! All the sacred relations of wife, mother, father, and child trampled beneath the brutal feet of might. And all this was done under our own beautiful banner of the free.

The past rises before us. We hear the roar and shriek of the bursting shell. The broken fetters fall. These heroes died. We look. Instead of slaves we see men and women and children. The wand of progress touches the auction block, the slave pen, the whipping post, and we see homes and firesides and school-houses and books, and where all was want and crime and cruelty and fear, we see the faces of the free.

These heroes are dead. They died for liberty — they died for us. They are at rest. They sleep in the land they made free, under the flag they rendered stainless, [under the solemn pines, the sad hemlocks, the tearful willows, and the embracing vines.] They sleep beneath the shadows of the clouds, careless alike of sunshine or of storm, each in the windowless Palace of Rest. Earth may rum red with other wars — they are at peace. In the midst of battle, in the roar of conflict, they found the serenity of death. I have one sentiment for soldiers living and dead: Cheers for the living; tears for the dead.

A vision of the future rises:

I see our country filled with happy homes, with firesides of content, — the foremost land of all the earth.

I see a world where thrones have crumbled and where kings are dust. The aristocracy of idleness has perished from the earth.

I see a world without a slave. Man at last is free. Nature's forces have by science been enslaved. Lightning and light, wind and wave, frost and flame, and all the secret, subtle powers of earth and air are the tireless toilers for the human race.

I see a world at peace, adorned with every form of art, with music's myriad voices thrilled, while lips are rich with words of love and truth, — a world in which no exile sighs, no prisoner mourns; a world on which the gibbet's shadow does not fall; a world where labour reaps its full reward; where work and worth go hand in hand; where the poor girl trying to win bread with the needle ~~the~~ needle, that has been called "the asp for the breast

of the poor " — is not driven to the desperate choice of crime or death, of suicide or shame.

I see a world without the beggar's outstretched palm, the miser's heartless, stony stare, the piteous wail of want, the livid lips of lies, the cruel eyes of scorn.

I see a race without disease of flesh or brain, — shapely and fair, the married harmony of form and function, — and, as I look, life lengthens; joy deepens, love canopies the earth; and over all, in the great dome, shines the eternal star of human hope.

XVIII
BEECHER



BEECHER

HENRY WARD BEECHER was one of the most eloquent and influential of American preachers. He was above all a man, controlling and guiding public thought and feeling. He made it his business to hold before the people Christian ideals, and a magnetic picture of manly living; but he was also a leader in the secular thinking of his time. He entered with especial ardency into the slavery struggle. His most passionate speech was made on the raising of the flag at Fort Sumter: it was, in fact, a little too passionate, and wholly without sympathy for that part of the nation which constituted the defeated South.

During the Civil War he made a trip to England and spoke in the principal cities of England and Scotland. Undoubtedly his visit did much to enlighten the English people in regard to the plans and purposes of the North, and to enlist sympathy with the Northern cause. This already existed among the cotton spinners of Manchester, sufferers though they were from the fact that the cotton supply was cut off by the blockading of Southern ports. Other classes, however, sympathized very strongly with the South. When

he spoke in Liverpool, the hall was known to be filled with Southern sympathizers and rowdies who were determined to break up the meeting. Mr. Beecher spoke against tremendous odds. Any less skilful speaker would have been forced from the platform by the persistent efforts at disturbance which continued to the very close of his address. He had his friends among the audience, of course; but they were apparently not sufficiently devoted to give him any assistance.

The speech, taken in itself, is not remarkable; but it is the best illustration on record of how a practised speaker may handle a very difficult audience. He gets right down to the level of the men to whom he is talking, and speaks to them in their own language, with his fist in their faces. Yet he is as persistently good-humoured as they are persistently irritating. He never loses his self-control for a moment; he never wavers or doubts himself, he is never afraid, he is never angry. He knows what he wants to say, so that no disturbance can drive it out of his head. He is allowed to utter only a few words at a time; but those few words carry on his argument, until at the end the whole speech reads consecutively and intelligibly.

There is no opportunity for "trance" oratory on an occasion like this, — nor for rhetorical phrases or rolling periods. Self-control, self-confidence, and complete knowledge of the audience and of one's own mind, are the great factors,

and they will nearly always win against such difficulties as Beecher encountered at Liverpool.

SPEECH AT LIVERPOOL

(OCTOBER 16, 1863)

FOR more than twenty-five years I have been made perfectly familiar with popular assemblies in all parts of my country except the extreme South. There has not for the whole of that time been a single day of my life when it would have been safe for me to go south of Mason and Dixon's line in my own country, and all for one reason: my solemn, earnest, persistent testimony against that which I consider to be the most atrocious thing under the sun—the system of American slavery in a great free republic. I have passed through that early period when right of free speech was denied to me. Again and again I have attempted to address audiences that, for no other crime than that of free speech, visited me with all manner of contumelious epithets; and now since I have been in England, although I have met with greater kindness and courtesy on the part of most than I deserved, yet, on the other hand, I perceive that the Southern influence prevails to some extent in England. It is my old acquaintance; I understand it perfectly, and I have always held it to be an unfailing truth that where a man had a cause that would bear examination he was perfectly willing to have it spoken about. And when in Manchester I saw those huge placards, "Who is Henry

Ward Beecher?" — and when in Liverpool I was told that there were those blood-red placards, purporting to say what Henry Ward Beecher had said, and calling upon Englishmen to suppress free speech, I tell you what I thought. I thought simply this — "I am glad of it." Why? Because if they had felt perfectly secure that *you* are the minions of the South and the slaves of slavery, they would have been perfectly still. And therefore, when I saw so much nervous apprehension that, if I were permitted to speak, — when I found they were afraid to have me speak, — when I found that they considered my speaking damaging to their cause, — when I found that they appealed from facts and reasonings to mob law, I said: No man need tell me what the heart and secret counsel of these men are. They tremble and are afraid. Now, personally, it is a matter of very little consequence to me whether I speak here to-night or not. But one thing is very certain — if you do permit me to speak here to-night you will hear very plain talking. You will not find a man, — you will not find me to be a man that dared to speak about Great Britain three thousand miles off, and then is afraid to speak to Great Britain when he stands on her shores. And if I do not mistake the tone and the temper of Englishmen, they had rather have a man who opposes them in a manly way than a sneak that agrees with them in an unmanly way. If I can carry you with me by sound convictions, I shall be immensely glad; but if I cannot carry you with me by facts and sound arguments, I do not wish you to go with me at all; and all that I ask is simply *fair play*. Those of you who are kind

enough to wish to favour my speaking — and you will observe that my voice is slightly husky, from having spoken almost every night in succession for some time past — those who wish to hear me will do me the kindness simply to sit still and to keep still; and I and my friends the Secessionists will make all the noise.

There are two dominant races in modern history. The Germanic and the Romanic races. The Germanic races tend to personal liberty, to a sturdy individualism, to civil and to political liberty. The Romanic race tends to absolutism in government; it is clannish; it loves chieftains; it develops a people that crave strong and showy governments to support and plan for them. The Anglo-Saxon race belongs to the great German family, and is a fair exponent of its peculiarities. The Anglo-Saxon carries self-government and self-development with him wherever he goes. He has popular GOVERNMENT and popular INDUSTRY; for the effects of a generous civil liberty are not seen a whit more plainly in the good order, in the intelligence, and in the virtue of a self-governing people, than in their amazing enterprise and the scope and power of their creative industry. The power to create riches is just as much a part of the Anglo-Saxon virtues as the power to create good order and social safety. The things required for prosperous labour, prosperous manufactures, and prosperous commerce are three: first, liberty; second, liberty; third, liberty; — though these are not merely the same liberty, as I shall show you.

First, there must be liberty to follow those laws of business which experience has developed, with-

out imposts or restrictions, or governmental intrusions. Business simply wants to be let alone. Then, secondly, there must be liberty to distribute and exchange products of industry in any market without burdensome tariffs, without imposts, and without vexatious regulations. There must be these two liberties—liberty to create wealth, as the makers of it think best according to the light and experience which business has given them; and then liberty to distribute what they have created without unnecessary vexatious burdens. The comprehensive law of the ideal industrial condition of the world is free manufacture and free trade. I have said there were three elements of liberty. The third is the necessity of an intelligent and free race of customers. There must be freedom among producers; there must be freedom among the distributors; there must be freedom among the customers. It may not have occurred to you that it makes any difference what one's customers are; but it does, in all regular and prolonged business. The condition of the customer determines how much he will buy, determines of what sort he will buy. Poor and ignorant people buy little and that of the poorest kind. The richest and the intelligent, having the more means to buy, buy the most, and always buy the best. Here, then, are the three liberties—liberty of the producer; liberty of the distributor; and liberty of the consumer. The first two need no discussion, they have been long thoroughly and brilliantly illustrated by the political economists of Great Britain, and by her eminent statesmen; but it seems to me that enough attention has not been directed to the third; and, with your patience, I

will dwell on that for a moment, before proceeding to other topics.

It is a necessity of every manufacturing and commercial people that their customers should be very wealthy and intelligent. Let us put the subject before you in the familiar light of your own local experience. To whom do the tradesmen of Liverpool sell the most goods at the highest profit? To the ignorant and poor, or to the educated and prosperous? The poor man buys simply for his body; he buys food, he buys clothing, he buys fuel, he buys lodging. His rule is to buy the least and the cheapest that he can. He goes to the store as seldom as he can, — he brings away as little as he can, — and he buys for the least he can. Poverty is not a misfortune to the poor only who suffer it, but it is more or less a misfortune to all with whom they deal. On the other hand, a man well off, — how is it with him? He buys in far greater quantity. He can afford to do it; he has the money to pay for it. He buys in far greater variety, because he seeks to gratify not merely physical wants, but also mental wants. He buys for the satisfaction of sentiment and taste, as well as of sense. He buys silk, wool, flax, cotton; he buys all metals — iron, silver, gold, platinum; in short he buys for all necessities and of all substances. But that is not all. He buys a better quality of goods. He buys richer silks, finer cottons, higher grained wools. Now, a rich silk means so much skill and care of somebody's that has been expended upon it to make it finer and richer; and so of cotton, and so of wool. That is, the price of the finer goods runs back to the very beginning, and remunerates the workman as well

as the merchant. Indeed, the whole labouring community is as much interested and profited as the mere merchant, in this buying and selling of the higher grades in the greater varieties and quantities. The law of price is the skill; and the amount of skill expended in the work is as much for the market as are the goods. A man comes to the market and says, "I have a pair of hands"; and he obtains the lowest wages. Another man comes and says, "I have something more than a pair of hands, I have truth and fidelity"; he gets a higher price. Another man comes and says, "I have something more; I have hands and strength, and fidelity, and skill." He gets more than either of the others. The next man comes and says, "I have got hands and strength, and skill, and fidelity; but my hands work more than that. They know how to create things for the fancy, for the affections, for the moral sentiments"; and he gets more than either of the others. The last man comes and says, "I have all these qualities, and have them so highly that it is a peculiar genius"; and genius carries the whole market and gets the highest price. So that both the workman and the merchant are profited by having purchasers that demand quality, variety, and quantity. Now, if this be so in the town or the city, it can only be so because it is a law. This is the specific development of a general or universal law, and therefore we should expect to find it as true of a nation as of a city like Liverpool. I know it is so, and you know that it is true of all the world; and it is just as important to have customers educated, intelligent, moral, and rich, out of Liverpool as it is in Liverpool. They are able to buy;

they want variety, they want the very best; and those are the customers you want. That nation is the best customer that is freest, because freedom works prosperity, industry, and wealth. Great Britain, then, aside from moral considerations, has a direct commercial and pecuniary interest in the liberty, civilization, and wealth of every people and every nation on the globe. You have also an interest in this, because you are a moral and a religious people. You desire it from the highest motives; and godliness is profitable in all things, having the promise of the life that is, as well as of that which is to come; but if there were no hereafter, and if man had no progress in this life, and if there were no question of moral growth at all, it would be worth your while to protect civilization and liberty, merely as a commercial speculation. To evangelize has more than a moral and religious import — it comes back to temporal relations. Wherever a nation that is crushed, cramped, degraded under despotism, is struggling to be free, you, Leeds, Sheffield, Manchester, Paisley, all have an interest that that nation should be free. When depressed and backward people demand that they may have a chance to rise, — Hungary, Italy, Poland, — it is a duty for humanity's sake, it is a duty for the highest moral motives, to sympathize with them; but besides all these there is a material and an interested reason why you should sympathize with them. Pounds and pence join with conscience and with honour in this design.

Now, Great Britain's chief want is—what? They have said that your chief want is cotton. I deny it. Your chief want is consumers. You have got skill,

you have got capital, and you have got machinery enough to manufacture goods for the whole population of the globe. You could turn out fourfold as much as you do, if you only had the market to sell in. It is not therefore so much the want of fabric, though there may be a temporary obstruction of that; but the principal and increasing want — increasing from year to year — is, where shall we find men to buy what we can manufacture so fast? Before the American war broke out, your warehouses were loaded with goods that you could not sell; you had over-manufactured. What is the meaning of over-manufacturing, but this, that you had skill, capital, machinery, to create faster than you had customers to take goods off your hands? And you know that, rich as Great Britain is, vast as are her manufactures, if she could have fourfold the present demand she could make fourfold riches to-morrow; and every political economist will tell you that your want is not cotton primarily, but customers. Therefore the doctrine How to make customers, is a great deal more important to Great Britain than the doctrine How to raise cotton. It is to that doctrine I ask from you, business men, practical men, men of fact, sagacious Englishmen — to that point I ask a moment's attention.

There are no more continents to be discovered. The market of the future must be found — how? There is very little hope of any more demand being created by new fields. If you are to have a better market there must be some kind of process invented to make the old fields better. Let us look at it, then. You must civilize the world in order to make a

better class of purchasers. If you were to press Italy down again under the feet of despotism, Italy, discouraged, could draw but very few supplies from you. But give her liberty, kindle schools throughout her valleys, spur her industry, make treaties with her by which she can exchange her wine, and her oil, and her silk for your manufactured goods; and for every effort that you make in that direction there will come back profit to you by increased traffic with her. If Hungary asks to be an unshackled nation—if by freedom she will rise in virtue and intelligence, then by freedom she will acquire a more multifarious industry, which she will be willing to exchange for your manufactures. Her liberty is to be found—where? You will find it in the Word of God, you will find it in the code of history; but you will also find it in the Price Current; and every free nation, every civilized people—every people that rises from barbarism to industry and intelligence, becomes a better customer. A savage is a man of one story, and that one story a cellar. When man begins to be civilized, he raises another story. When you Christianize and civilize the man, you put story upon story, for you develop faculty after faculty; and you have to supply every story with your productions. The savage is a man one story deep; the civilized man is thirty stories deep. Now if you go to a lodging-house where there are three or four men, your sales to them may, no doubt, be worth *something*; but if you go to a lodging-house like some of those which I saw in Edinburgh, which seemed to contain about twenty stories,—every story of which is full, and all who occupy buy of you,—which is the best customer—

the man who is drawn out, or the man who is pinched up?

There is in this a great and sound principle of political economy. If the South should be rendered independent — [*At this juncture mingled cheering and hisses became immense; half the audience rose to their feet, waving hats and handkerchiefs, and in every part of the hall there was the greatest commotion and uproar. Mr. Beecher quietly and smilingly waited until quiet was restored, and then proceeded.*]

Well, you have had your turn; now let me have mine again. It is a little inconvenient to talk against the wind; but, after all, if you will just keep good-natured — I am not going to lose my temper; will you watch yours? Besides all that, — it rests me, and gives me a chance, you know, to get my breath. And I think that the bark of those men is worse than their bite. They do not mean any harm — they don't know any better. I was saying, when these responses broke in, that it was worth our while to consider both alternatives. What will be the result if this present struggle shall eventuate in the separation of America, and making the South a slave territory exclusively and the North a free territory; what will be the first result? You will lay the foundation for carrying the slave population clear through to the Pacific Ocean. That is the first step. There is not a man who has been a leader of the South any time within these twenty years, that has not had this for a plan. It was for this that Texas was invaded, first by colonists, next by marauders, until it was wrested from Mexico. It was for this that they engaged in the Mexican war itself, by which the vast territory reaching to

the Pacific was added to the Union. Never have they for a moment given up the plan of spreading the American institution, as they call it, straight through toward the West, until the slave who has washed his feet in the Atlantic shall be carried to wash them in the Pacific. There! I have got that statement out, and you cannot put it back.

Now, let us consider the prospect. If the South become a slave empire, what relation will it have to you as a customer? It would be an empire of twelve millions of people. Of these, eight millions are white and four millions black. Consider that one-third of the whole are the miserably poor, unbuying blacks. You do not manufacture much for them, You have not got machinery coarse enough. Your labour is too skilled by far to manufacture bagging and linsey-woolsey. [*A Southerner: "We are going to free them every one."*] Then you and I agree exactly. One other third consists of a poor, unskilled, degraded white population; and the remaining one-third, which is a large allowance, we will say, intelligent and rich. Now here are twelve millions of people, and only one-third of them are customers that can afford to buy the kind of goods that you bring to market. [*Interruption and uproar.*] My friends, I saw a man once, who was a little late at a railway station, chase an express train. He did not catch it. If you are going to stop this meeting, you have got to stop it before I speak; for after I have got the things out, you may chase as long as you please — you will not catch them. But there is luck in leisure; I'm going to take it easy. Two-thirds of the population of the Southern States to-day are non-purchasers of English goods. You

must recollect another fact — namely, that this is going on clear through to the Pacific Ocean; and if by sympathy or help you establish a slave empire, you sagacious Britons — if you like it better, then, I will leave the adjective out — are busy in favouring the establishment of an empire from ocean to ocean that should have fewest customers and the largest non-buying population.

Now, for instance, just look at this, the difference between free labour and slave labour to produce cultivated land. The State of Virginia has 15,000 more square miles of land than the State of New York; but Virginia has only 15,000 square miles improved, while New York has 20,000 square miles improved. Of unimproved land Virginia has about 23,000 square miles, and New York only about 10,000 square miles. These facts speak volumes as to the capacity of the territory to bear population. The smaller is the quantity of soil uncultivated, the greater is the density of the population; and upon that, their value as customers depends. Let us take the States of Maryland and Massachusetts. Maryland has 2,000 more square miles of land than Massachusetts; but Maryland has about 4,000 square miles of land improved, Massachusetts has 3,200 square miles. Maryland has 2,800 unimproved square miles of land, while Massachusetts has but 1,800 square miles unimproved. But these two are little States, — let us take greater States: Pennsylvania and Georgia. The State of Georgia has 12,000 more square miles of land than Pennsylvania. Georgia has only about 9,800 square miles of improved land; Pennsylvania has 13,400 square miles of improved land, or about 2,300,000 acres

more than Georgia. Georgia has about 25,600 square miles of unimproved land, and Pennsylvania has only 10,400 square miles, or about 10,000,000 acres less of *unimproved* land than Georgia. The one is a Slave State and the other is a Free State. I do not want you to forget such statistics as those, having once heard them. Now, what can England make for the poor white population of such a future empire, and for her slave population? What carpets, what linens, what cottons can you sell to them? What machines, what looking-glasses, what combs, what leather, what books, what pictures, what engravings? You may sell ships to a few, but what ships can you sell to two-thirds of the population of poor whites and blacks? A little bagging and a little linsey-woolsey, a few whips and manacles, are all that you can sell for the slave. This very day, in the slave States of America there are eight millions out of twelve millions that are not, and cannot be your customers from the very laws of trade. . . .

Now it is said that if the South should be allowed to be separate there will be no tariff, and England can trade with her; but if the South remains in the United States it will be bound by a tariff, and English goods will be excluded from it. Well, I am not going to shirk any question of that kind. In the first place, let me tell you that the first tariff ever proposed in America was not only supported by Southern interests and votes, but was originated by the peculiar structure of Southern society. The first and chief difficulty—after the Union was formed under our present Constitution—the first difficulty that met our fathers was, how to raise

taxes to support the government; and the question of representation and taxes went together; and the difficulty was, whether we should tax the North and South alike, man for man *per caput*, counting the slaves with whites. The North having fewer slaves in comparison with the number of its whites; the South, which had a larger number of blacks, said, "We shall be overtaxed if this system be adopted." They therefore proposed that taxes and representation should be on the basis of five black men counting as three white men. In a short time it was found impossible to raise these taxes in the South, and then they cast about for a better way, and the tariff scheme was submitted. The object was to raise the revenue from the ports instead of from the people. The tariff therefore had its origin in Southern weaknesses and necessities, and not in the Northern cities. Daniel Webster's first speech was against it; but after that was carried by Southern votes (which for more than fifty years determined the law of the country), New England accepted it, and saying, "It is the law of the land," conformed her industry to it; and when she got her capital embarked in mills and machinery, she became in favour of it. But the South, beginning to feel, as she grew stronger, that it was against her interest to continue the system, sought to have the tariff modified, and brought it down; though Henry Clay, a Southern man himself, was the immortal champion of the tariff. All his lifetime he was for a high tariff, till such a tariff could no longer stand; and then he was for moderating the tariffs. But there has not been for the whole of the fifty years a single hour when any tariff could be passed without the

South. The opinion of the whole of America was, tariff, high tariff. I do not mean that there were none that dissented from that opinion, but it was the popular and prevalent cry. I have lived to see the time when, just before the war broke out, it might be said that the thinking men of America were ready for free trade. There has been a steady progress throughout America for free-trade ideas.

How, then, came this Morrill tariff? The Democratic administration, inspired by Southern counsels, left millions and millions of unpaid debt to cramp the incoming of Lincoln; and the government, betrayed to the Southern States, found itself unable to pay those debts, unable to build a single ship, unable to raise an army; and it was the exigency, the necessity, that forced them to adopt the Morrill tariff, in order to raise the money which they required. It was the South that obliged the North to put the tariff on. Just as soon as we begin to have peace again, and can get our national debt into a proper shape as you have got yours, the same cause that worked before will begin to work again; and there is nothing more certain in the future than that America is bound to join with Great Britain in the world-wide doctrine of free trade.

Here, then, so far as *this* argument is concerned, I rest my case, saying that it seems to me that in an argument addressed to a commercial people it was perfectly fair to represent that their commercial and manufacturing interests tallied with their moral sentiments; and as by birth, by blood, by history, by moral feeling, and by everything, Great Britain is connected with the liberty of the world, God has joined interest and conscience, head and heart; so

that you ought to be in favour of liberty everywhere. There! I have got quite a speech out already, if I do not get any more.

Now then, leaving this for a time, let me turn to some other nearly connected topics. It is said that the South is fighting for just that independence of which I have been speaking. But the South is divided on that subject. There are twelve millions in the South. Four millions of them are asking for their liberty. Eight millions are banded together to prevent it. That is what they asked the world to recognize as a strike for independence. Eight million white men fighting to prevent the liberty of four million black men, challenging the world. You cannot get over the fact. There it is; like iron, you cannot stir it. They went out of the Union because slave property was not recognized in it. There were two ways of reaching slave property in the Union; the one by exerting the direct Federal authority; but they could not do that, for they conceived it to be forbidden. The second was by indirect influence. If you put a candle under a bowl it will burn so long as the fresh air lasts, but it will go out as soon as the oxygen is exhausted; and so, if you put slavery into a State where it cannot get more States, it is only a question of time how soon it will die. By limiting slave territory you lay the foundation for the final extinction of slavery. Gardeners say that the reason why crops will not grow in the same ground for a long time together is, that the roots excrete poisoned matter which the plants cannot use, and thus poison the grain. Whether this is true of crops or not, it is certainly true of slavery, for slavery poisons the land on which it grows. Look at

the old Slave States, — Delaware, Maryland, Virginia, Kentucky, Tennessee, and even at the newer State of Missouri. What is the condition of slavery in those States? It is not worth one cent, except to breed. It is not worth one cent, so far as productive energy goes. They cannot make money by their slaves in those States. The first reason with them for maintaining slavery is, because it gives political power; and the second, because they breed for the Southern market. I do not stand on my own testimony alone. The editor of the *Virginia Times*, in the year 1836, made a calculation that 120,000 slaves were sent out of the State during that year; 80,000 of whom went with their owners, and 40,000 were sold at the average price of 600 dollars, amounting to 24,000,000 dollars in one year out of the State of Virginia. Now, what does Henry Clay, himself a slave-owner, say about Kentucky? In a speech before the Colonization Society, he said: "It is believed that nowhere in the farming portion of the United States would slave labour be generally employed, if the proprietary were not compelled to raise slaves by the high price of the Southern market," and the only profit of slave property in the northern farming slave States is the value they bring. So that if you were to limit slavery, and to say, it shall go so far and no farther, it would be only a question of time when it should die of its own intrinsic weakness and disease. This was the Northern feeling. The North was true to the doctrine of constitutional rights. The North refused, by any Federal action within the States, to violate the compacts of the Constitution, and left local compacts unimpaired; but feeling herself unbound with

regard to what we call the Territories, — free land which has not yet State rights, — the North said there should be no more territory cursed with slavery. With unerring instinct the South said, "The government administered by Northern men on the principle that there shall be no more slave territory, is a government fatal to slavery," and it was on that account that they seceded. And the first step which they took when they assembled at Montgomery was, to adopt a constitution. What constitution did they adopt? The same form of constitution which they had just abandoned. What changes did they introduce? A trifling change about the Presidential term, making it two years longer; a slight change about some doctrine of legislation, involving no principle whatever, but merely a question of policy. But by the constitution of Montgomery they *legalized slavery*, and made it the *organic law of the land*. The very Constitution which they said they could not live under when they left the Union they took again immediately afterwards, altering it in only one point, and that was, making the fundamental law of the land to be slavery. Let no man undertake to say in the face of intelligence — let no man undertake to delude an honest community by saying — that slavery had nothing to do with the Secession. Slavery is the framework of the South; it is the root and the branch of this conflict with the South. Take away slavery from the South, and she would not differ from us in any respect. There is not a single antagonistic interest. There is no difference of race, no difference of language, no difference of law, no difference of constitution; the only difference between us is, that free

labour is in the North, and slave labour is in the South.

But I know that you say you cannot help sympathizing with a gallant people. They are the weaker people, the minority; and you cannot help going with the minority who are struggling for their rights against the majority. Nothing could be more generous, when a weak party stands for its own legitimate rights against imperious pride and power, than to sympathize with the weak. But who ever yet sympathized with a weak thief, because three constables had got hold of him? And yet the one thief in three policemen's hands is the weaker party; I suppose *you* would sympathize with him! Why, when that infamous king of Naples, Bomba, was driven into Gaeta by Garibaldi with his immortal band of patriots, and Cavour sent against him the army of Northern Italy, who was the weaker party then? The tyrant and his minions; and the majority was with the noble Italian patriots, struggling for liberty. I never heard that Old England sent deputations to King Bomba, and yet his troops resisted bravely there. To-day the majority of the people of Rome are with Italy. Nothing but French bayonets keeps her from going back to the kingdom of Italy, to which she belongs. Do you sympathize with the minority in Rome or the majority in Italy? To-day the South is the minority in America, and they are fighting for "independence!" For what? I could wish so much bravery had had a better cause, and that so much self-denial had been less deluded; that that poisonous and venomous doctrine of State Sovereignty might have been kept aloof; that so many gallant spirits, such as Stonewall Jackson,

might still have lived. The force of these facts, historical and incontrovertible, cannot be broken, except through diverting attention by an attack upon the North. It is said that the North is fighting for Union, and not for emancipation. The North is fighting for Union, for that *insures* emancipation. A great many men say to ministers of the Gospel: "You pretend to be preaching and working for the love of the people? Why, you are all the time preaching for the sake of the church." What does the minister say? "It is by means of the church that we help the people"; and when men say that we are fighting for the Union, I too say we are fighting for the Union. But the motive determines the value; and why are we fighting for the Union? Because we never shall forget the testimony of our enemies. They have gone off declaring that the Union in the hands of the North was fatal to slavery. There is testimony in court for you!

We are fighting for the Union, because we believe that preamble which explains the very reason for which the Union was constituted. I will read it. "We" — not the States — "WE, the *People* of the United States, in order to form a more perfect UNION, establish Justice, insure domestic Tranquility, provide for the common Defence, promote the general Welfare, and secure the Blessings of LIBERTY to ourselves and our posterity, do ordain and establish this Constitution for the United States of America." It is for the sake of that justice, that common welfare, and that liberty for which the National Union was established, that we fight for the Union. Because the South believed that the Union was against slavery, they left it. Yes. To-

day, however, if the North believed that the Union was against liberty, they would leave it.

Well, next it is said that the North treats the negro race worse than the South. Now, you see I don't fear any of these disagreeable arguments. I am going to face every one of them. In the first place I am ashamed to confess that such was the thoughtlessness, such was the stupor of the North — [*interruption*] — you will get a word at a time; to-morrow will let folks see what it is you don't want to hear — that for a period of twenty-five years she went to sleep, and permitted herself to be drugged and poisoned with the Southern prejudice against black men. The evil was made worse, because, when any object whatever has caused anger between political parties, a political animosity arises against that object, no matter how innocent in itself; no matter what were the original influences, which excited the quarrel. Thus the coloured man has been the football between the two parties in the North, and has suffered accordingly. I confess it to my shame. But I am speaking now on my own ground, for I began twenty-five years ago, with a small party, to combat the unjust dislike of the coloured man. Well, I have lived to see a total revolution in the Northern feeling — I stand here to bear solemn witness of that. It is not my opinion; it is my knowledge. Those men who undertook to stand up for the rights of all men — black as well as white — have increased in number; and now what party in the North represents those men that resist the evil prejudices of past years? The Republicans are that party. And who are those men in the North that have oppressed the negro? They

are the Peace Democrats; and the prejudice for which in England you are attempting to punish me is a prejudice raised by the men who have opposed me all my life. These pro-slavery Democrats abused the negro. I defended him, and they mobbed me for doing it. Oh, justice! This is as if a man should commit an assault, maim and wound a neighbour, and a surgeon being called in should begin to dress his wounds, and by and by a policeman should come and collar the surgeon and haul him off to prison on account of the wounds which he was healing.

Now, I told you I would not flinch from anything. I am going to read you some questions that were sent after me from Glasgow, purporting to be from a working man.

“Is it not a fact that in most of the Northern States laws exist precluding negroes from equal civil and political rights with the whites? That in the State of New York the negro has to be the possessor of at least two hundred and fifty dollars' worth of property to entitle him to the privileges of a white citizen? That in some of the Northern States the coloured man, whether bond or free, is by law excluded altogether, and not suffered to enter the State limits, under severe penalties? and is not Mr. Lincoln's own State one of them? and in view of the fact that the \$20,000,000 compensation which was promised to Missouri in aid of emancipation was defeated in the last Congress (the strongest Republican Congress that ever assembled), what has the North done towards emancipation?”

Now, then, there's a dose for you. And I will address myself to the answering of it.

And first, the bill for emancipation in Missouri, to which this money was denied, was a bill which was drawn by what we call “log-rollers,” who in-

sented in it an enormously disproportioned price for the slaves. The Republicans offered to give them ten million dollars for the slaves in Missouri, and *they* outvoted it because they could not get twelve million. Already half the slave population had been "run" down South, and yet they came up to Congress to get twelve million dollars for what was not worth ten million, nor even eight million.

Now as to those States that had passed "black" laws, as we call them, they are filled with Southern immigrants. The southern part of Ohio, the southern part of Indiana, where I myself lived for years, and which I knew like a book, the southern part of Illinois, where Mr. Lincoln lives, these parts are largely settled by immigrants from Kentucky, Tennessee, Georgia, Virginia, and North Carolina, and it was their votes, or the Northern votes pandering for political reasons to theirs, that passed in those States the infamous "black" laws; and the Republicans in these States have a record clean and white, as having opposed these laws in every instance as "infamous."

Now as to the State of New York, it is asked whether a negro is not obliged to have a certain freehold property, or a certain amount of property, before he can vote. It is so still in North Carolina and Rhode Island for *white* folks — it is so in New York State. I am not undertaking to say that these faults of the North, which were brought upon them by the bad example and influence of the South, are all cured; but I do say that they are in a *process* of cure which promises, if unimpeded by foreign influence, to make all such odious distinctions vanish.

"Is it not a fact that in most of the Northern

States laws exist precluding negroes from equal civil and political rights with the whites?" I will tell you. Let us compare the condition of the negro in the North and the South, and that will tell the story. By express law the South takes away from the slave all attributes of manhood, and calls him "chattel," which is another word for "cattle." No law in any Northern State calls him anything else but a person. The South denies the right of legal permanent marriage to the slave. There is not a State in the North where the marriage of the slave is not as sacred as that of any free white man. Throughout the South, since the slave is not permitted to live in anything but in concubinage, his wife, so called, is taken from him at the will of his master, and there is neither public sentiment nor law that can hinder most dreadful and cruel separations every year in every county and town. There is not a State, county, or town, or school district in the North, where, if any man dared to violate the family of the poorest black man, there would not be an indignation that would overwhelm him. In the South by statutory law it is a penitentiary offence to teach a black man to read and write. In the North not only are hundreds and thousands of dollars of State money expended in teaching coloured people, but they have their own schools, their own academies, their own churches, their own ministers, their own lawyers. In the South, black men are bred, exactly as cattle are bred in the North, for the market and for sale. Such dealing is considered horrible beyond expression in the North. In the South the slave can own nothing by law, but in the single city of New York there are ten million dollars

of money belonging to free coloured people. In the South no coloured man can determine where he will work, nor at what he will work; but in the North, — except in the great cities, where we are crowded by foreigners, — in any country-part, the black man may choose his trade and work at it, and is just as much protected by the laws as any white man in the land. I speak with authority on this point. When I was twelve years old, my father hired Charles Smith, a man as black as lampblack, to work on his farm. I slept in the same room with him. [*“ Oh, oh!”*] Ah, that does n’t suit you! Now, you see, the South comes out. I ate with him at the same table; I sang with him out of the same hymn-book; I cried, when he prayed over me at night; and if I had serious impressions of religion early in life, they were due to the fidelity and example of that poor humble farm-labourer, black Charles Smith. In the South, no matter what injury a coloured man may receive, he is not allowed to appear in court nor to testify against a white man. In every single court of the North a respectable coloured man is as good a witness as if his face were white as an angel’s robe. I ask any truthful and considerate man whether, in this contrast, it does not appear that, though faults may yet linger in the North uneradicated, the state of the negro in the North is not immeasurably better than anywhere in the South? And now, for the first time in the history of America a coloured man has received a commission under the broad seal and signature of the President of the United States. This day, Frederick Douglass, of whom you all have heard here, is an officer of the United States, a commissioner sent down to organ-

ize coloured regiments on Jefferson Davis's farm in Mississippi.

There is another fact that I wish to allude to, — not for the sake of reproach or blame, but by way of claiming your more lenient consideration, — and that is, that slavery was entailed upon us by your action. Against the earnest protests of the colonists the then Government of Great Britain — I will concede, not knowing what were the mischiefs — ignorantly, but in point of fact, forced slave traffic on the unwilling colonists.

I was going to ask you, suppose a child is born with hereditary disease; suppose this disease was entailed upon him by parents who had contracted it by their own misconduct; would it be fair that those parents, that had brought into the world the diseased child, should rail at that child because it was diseased? Would not the child have a right to turn round and say, "Father, it was your fault that I had it, and you ought to be pleased to be patient with my deficiencies"?

I do not ask that you should justify slavery in us now because it was wrong in you two hundred years ago; but having ignorantly been the means of fixing it upon us, now that we are struggling with mortal struggles to free ourselves from it, we have a right to your tolerance, your patience, and charitable construction.

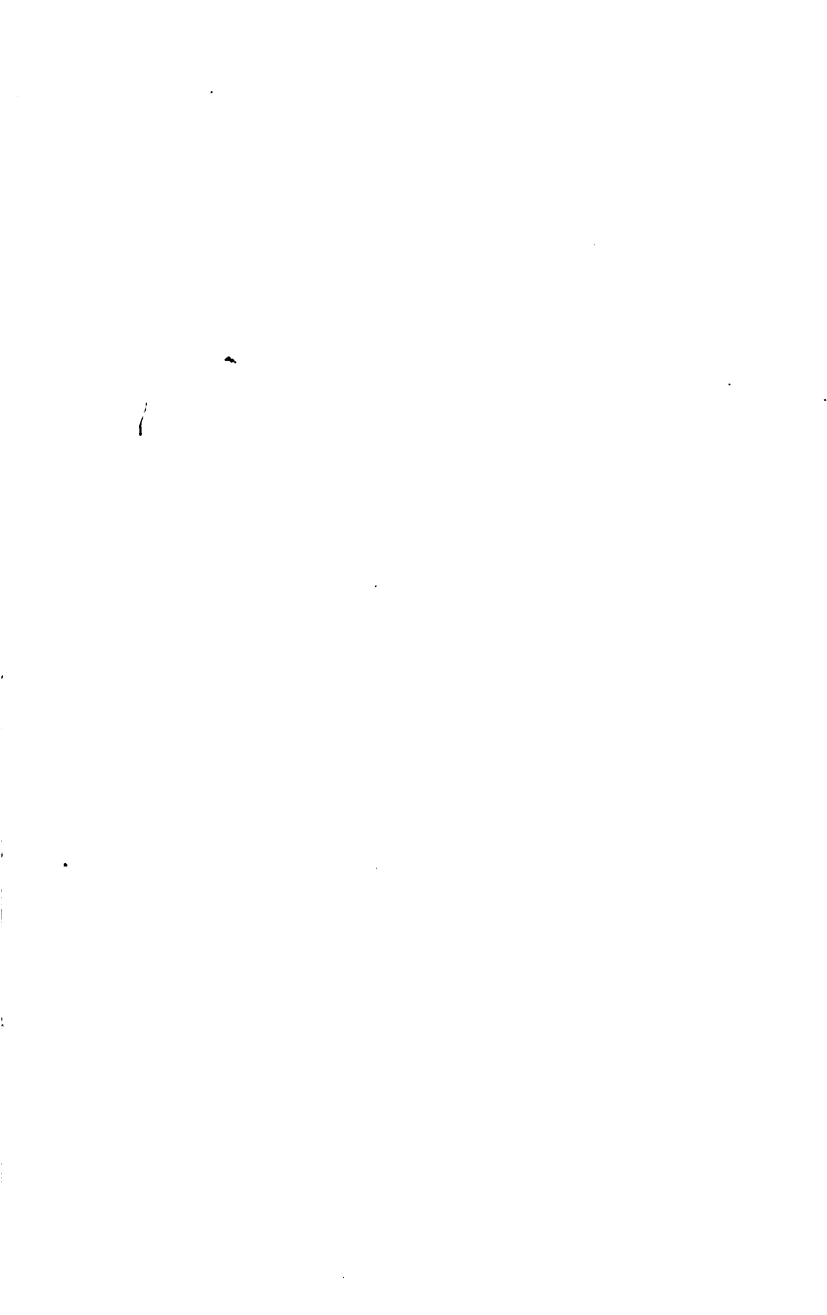
I am every day asked when this war will end. I wish I could tell you; but remember, slavery is the cause of the war. Slavery has been working for more than one hundred years, and a chronic evil cannot be suddenly cured; and as war is the remedy, you must be patient to have the conflict long

enough to cure the inveterate hereditary sore. But of one thing I think I may give you assurance — this war won't end until the cancer of slavery is cut out by the roots. I will read you a word from President Lincoln. It is in a letter from Theodore Tilton. "A talk with President Lincoln revealed to me a great growth of wisdom. For instance, he said he was not going to press the colonization idea any longer, nor the gradual scheme of emancipation, expressing himself sorry that the Missourians had postponed emancipation for seven years. He said, 'Tell your antislavery friends that I am coming out all right.' He is desirous that the Border States shall form free constitutions, recognizing the proclamation, and thinks this will be made feasible by calling on loyal men."

Ladies and gentlemen, I have finished the exposition of this troubled subject. No man can unveil the future; no man can tell what revolutions are about to break upon the world; no man can tell what destiny belongs to France, nor to any of the European powers; but one thing is certain, that in the exigencies of the future there will be combinations and recombinations, and that those nations that are of the same faith, the same blood, and the same substantial interests, ought not to be alienated from each other, but ought to stand together. I do not say that you ought not to be in the most friendly alliance with France or with Germany; but I do say that your own children, the offspring of England, ought to be nearer to you than any people of strange tongue. If there have been any feelings of bitterness in America, let me tell you they have been excited, rightly or wrongly, under the impres-

sion that Great Britain was going to intervene between us and our own lawful struggle. With the evidence that there is no such intention, all bitter feelings will pass away. We do not agree with the recent doctrine of neutrality as a question of law. But it is past, and we are not disposed to raise that question. We accept it now as a fact, and we say that the utterance of Lord Russell at Blairgowrie, together with the declaration of the government in stopping war steamers here, has gone far toward quieting every fear and removing every apprehension from our minds. And now in the future it is the work of every good man and patriot not to create divisions, but to do the things that will make for peace. On our part it shall be done. On your part it ought to be done; and when in any of the convulsions that come upon the world, Great Britain finds herself struggling single-handed against the gigantic powers that spread oppression and darkness, there ought to be such cordiality that she can turn and say to her first-born and most illustrious child, "Come!" I will not say that England cannot again, as hitherto, single-handed, manage any power, but I will say that England and America together for religion and liberty are a match for the world.

SHORT SELECTIONS



SHORT SELECTIONS

I

DEFENCE FROM THE CHARGE OF TYRANNY

BY ROBESPIERRE

[Robespierre was a disciple of Rousseau, a man of unimpeachable personal character, but a fanatic. His is the eloquence of the man of thought intensified to the point of insanity. Mirabeau was a cool-headed statesman to the end.]

THEY call me a tyrant! If I were so, they would fall at my feet: I should have gorged them with gold, assured them of impunity for their crimes, and they would have worshipped me. Had I been so, the kings whom we have conquered would have been my most cordial supporters. It is by the aid of scoundrels that you arrive at tyranny. Whither tend those who combat them? To the tomb and immortality! Who is the tyrant that protects me? what is the faction to which I belong? It is yourselves! What is the party which, since the commencement of the Revolution, has crushed all other factions—has annihilated so many specious traitors? It is yourselves; it is the people; it is the force of principles! This is the party to which I am devoted, and against which crime is everywhere leagued. I am ready to lay down my life without regret. I have

seen the past: I foresee the future. What lover of his country would wish to live, when he can no longer succour oppressed innocence? Why should he desire to remain in an order of things where intrigue eternally triumphs over truth; where justice is deemed an imposture; where the vilest passions, the most ridiculous fears, fill every heart, instead of the sacred interests of humanity? Who can bear the punishment of seeing the horrible succession of traitors, more or less skilful in concealing their hideous vices under the mask of virtue, and who will leave to posterity the difficult task of determining which was the most atrocious? In contemplating the multitude of vices which the Revolution has let loose pell mell with the civic virtues, I own I sometimes fear that I myself shall be sullied in the eyes of posterity by their calumnies. But I am consoled by the reflection that, if I have seen in history all the defenders of liberty overwhelmed by calumny, I have seen their oppressors die also. The good and the bad disappear alike from the earth; but in very different conditions. No, Chaumette! "Death is *not* an eternal sleep!" — Citizens, efface from the tombs that maxim, engraven by sacrilegious hands, which throws a funeral pall over nature, which discourages oppressed innocence: write rather, "Death is the commencement of immortality!" I leave to the oppressors of the people a terrible legacy, which well becomes the situation in which I am placed; it is the awful truth, "Thou shalt die!"

II

DEMAND FOR JUSTICE TO IRELAND

BY DANIEL O'CONNELL

[Daniel O'Connell had an even more marvellous influence over a jury than Curran, and as a Liberator he figures more prominently in Irish history. But his reputation is tarnished by his violence, his excesses, his unrestrained language. Self-control is one of an orator's cardinal virtues.]

I WILL never be guilty of the crime of despairing of my country; and to-day, after two centuries of suffering, here I stand amidst you in this hall, repeating the same complaints, demanding the same justice which was claimed by our fathers; no longer with the humble voice of the suppliant, but with the sentiment of our force and the conviction that Ireland will henceforth find means to do, without you, what you shall have refused to do for her! I make no compromise with you; I want the same rights for us that you enjoy; the same municipal system for Ireland as for England and Scotland: otherwise, what is a union with you? A union upon parchment! Well, we will tear this parchment to pieces, and the Empire will be sundered!

I hear, day after day, the plaintive voice of Ireland, crying, Am I to be kept forever waiting and forever suffering? No, fellow-countrymen, you will be left to suffer no longer: you will not have in vain asked justice from a people of brothers. England is no longer that country of prejudices where the mere name of popery excited every breast and im-

pelled to iniquitous cruelties. The representatives of Ireland have carried the Reform bill, which has enlarged the franchises of the English people; they will be heard with favour in asking their colleagues to render justice to Ireland. But should it prove otherwise, should Parliament still continue deaf to our prayer, then we will appeal to the English nation, and if the nation too should suffer itself to be blinded by its prejudices, we will enter the fastnesses of our mountains and take counsel but of our energy, our courage, and our despair.

III

THE MISERY OF THE AMERICAN WAR

BY WILLIAM PITT

[There is no doubt that many would place William Pitt the younger side by side with Fox, Sheridan, and Burke, whom he met on the floor of Parliament and frequently worsted by his political skill and his oratory. In a way he is more marvellous than any of them. A member of Parliament at twenty-two years of age, in the first month he won his spurs as an eloquent speaker. At twenty-four he was prime minister under most trying conditions, and actually stood alone on the floor of the House of Commons, against a majority opposition, and with all the great orators on the other side; and yet he won popularity, waited until times were ripe, and appealed to the voters with complete success. He was continually prime minister for many years — nearly all his life.

He had carefully trained himself as an orator by copying and declaiming Demosthenes and Cicero, and all the great ancient and modern masters; and splendidly did his preparation prove its worth.

And yet he did not make a single very great speech. He was too successful. Never inferior, never superior, he maintained a high — a very high — level, without the variation of a single valley or a single peak. Hence we cannot find any special oration of his to number among the "great"; and no distinctiveness of style of

which he is a type and illustration. The following short selection will indicate his natural rhetorical skill, which was of a really high order.]

GENTLEMEN have passed the highest eulogiums on the American war. Its justice has been defended in the most fervent manner. A noble lord, in the heat of his zeal, has called it a holy war. For my part, although the honourable gentleman who made this motion, and some other gentlemen, have been, more than once in the course of this debate, severely reprehended for calling it a wicked and accursed war, I am persuaded, and would affirm, that it was a most accursed, wicked, barbarous, cruel, unnatural, unjust, and diabolical war! It was conceived in injustice; it was nurtured and brought forth in folly; its footsteps were marked with blood, slaughter, persecution, and devastation;—in truth, everything which went to constitute moral depravity and human turpitude were to be found in it. It was pregnant with misery of every kind.

The mischief, however, recoiled on the unhappy people of this country, who were made the instruments by which the wicked purposes of the authors of the war were effected. The nation was drained of its best blood, and of its vital resources of men and money. The expense of the war was enormous,—much beyond any former experience. And yet, what has the British nation received in return? Nothing but a series of ineffective victories or severe defeats;—victories celebrated only by a temporary triumph over our brethren, whom we would trample down and destroy; victories which filled the land with mourning for the loss of dear

and valued relatives, slain in the impious cause of enforcing unconditional submission, or with narratives of the glorious exertions of men struggling in the holy cause of liberty, though struggling in the absence of all facilities and advantages which are in general deemed the necessary concomitants of victory and success. Where was the Englishman who, on reading the narratives of those bloody and well-fought contests, could refrain from lamenting the loss of so much British blood spilt in such a cause; or from weeping, on whatever side victory might be declared?

IV

ENGLAND IN REPOSE

(FROM SPEECH AT PLYMOUTH, 1823)

BY GEORGE CANNING

LET it not be said that we cultivate peace either because we fear, or because we are unprepared for, war; on the contrary, if eight months ago the Government did not hesitate to proclaim that the country was prepared for war if war should be unfortunately necessary, every month of peace that has since passed has but made us so much the more capable of exertion. The resources created by peace are means of war. In cherishing those resources we but accumulate those means. Our present repose is no more a proof of inability to act than the state of inertness and inactivity in which I have seen those mighty masses that float in the

waters above your town is a proof that they are devoid of strength and incapable of being fitted out for action. You well know, gentlemen, how soon one of those stupendous masses, now reposing on their shadows in perfect stillness — how soon, upon any call of patriotism, or of necessity, it would assume the likeness of an animated thing, instinct with life and motion; how soon it would ruffle, as it were, its swelling plumage; how quickly it would put forth all its beauty and its bravery, collect its scattered elements of strength, and awaken its dormant thunder. Such as is one of these magnificent machines when springing from inaction into a display of its might; such is England herself while; apparently passive and motionless, she silently concentrates the power to be put forth on an adequate occasion. But God forbid that that occasion should arise! After a war sustained for nearly a quarter of a century — sometimes single-handed, and with all Europe arrayed at times against her or at her side, England needs a period of tranquillity, and may enjoy it without fear of misconstruction. Long may we be enabled, gentlemen, to improve the blessings of our present situation, to cultivate the arts of peace, to give to commerce, now reviving, greater extension and new spheres of employment, and to confirm the prosperity now generally diffused throughout this island.

V

THE TRUE CONQUERORS

BY LORD BROUGHAM

[Lord Brougham belongs to the age just after that of the great orators. He had art, he had culture; perhaps what he lacked was the great occasion. His "Dissertation on the Oratory of the Ancients" is very instructive.]

THERE is nothing which the adversaries of improvement are more wont to make themselves merry with than what is termed the "*march of intellect*"; and here I will confess that I think, as far as the phrase goes, they are in the right. It is a very absurd, because a very incorrect expression. It is little calculated to describe the operation in question. It does not picture an image at all resembling the proceeding of the true friends of mankind. It much more resembles the progress of the enemy to all improvement. The conqueror moves in a march. He stalks onward with the "pride, pomp, and circumstance of war" — banners flying, shouts rending the air, guns thundering, and martial music pealing, to drown the shrieks of the wounded and the lamentations for the slain. Not thus the schoolmaster, in his peaceful vocation. He meditates and purposes in secret the plans which are to bless mankind; he slowly gathers round him those who are to further their execution; he quietly, though firmly, advances in his humble path, labouring steadily but calmly, till he has opened to the light all the recesses of ignorance, and torn up by

the roots all the weeds of vice. His is a progress not to be compared with anything like a march — but it leads to a far more brilliant triumph, and to laurels more imperishable than the destroyer of his species, the scourge of the world, ever won.

Such men — men deserving the glorious title of Teachers of Mankind — I have found, labouring conscientiously, though, perhaps, obscurely, in their blessed vocation, wherever I have gone. I have found them, and shared their fellowship, among the daring, the ambitious, the ardent, the indomitably active French; I have found them among the persevering, resolute, industrious Swiss; I have found them among the laborious, the warm-hearted, the enthusiastic Germans; I have found them among the high-minded but enslaved Italians; and in our own country, God be thanked, their numbers everywhere abound, and are every day increasing. Their calling is high and holy; their fame is the prosperity of nations; their renown will fill the earth in after ages, in proportion as it sounds not far off in their own times. Each one of these great teachers of the world, possessing his soul in peace, performs his appointed course — awaits in patience the fulfilment of the promises, and resting from his labours, bequeaths his memory to the generation whom his works have blessed, and sleeps under the humble but not inglorious epitaph, commemorating “one in whom mankind lost a friend, and no man got rid of an enemy.”

VI

DISUNION AND WAR INSEPARABLE

BY HENRY CLAY

[Clay, Calhoun, and Webster were called the great triumvirate; but Webster overshadowed the other two, and their fame as orators is lost in his brilliance.]

MR. PRESIDENT, I have said what I solemnly believe — that the dissolution of the Union and war are identical and inseparable; that they are convertible terms. Such a war, too, as that would be, following the dissolution of the Union! Sir, we may search the pages of history, and none so furious, so bloody, so implacable, so exterminating, from the wars of Greece down, including those of the Commonwealth of England, and the Revolution of France — none, none of them raged with such violence or was ever conducted with such bloodshed and enormities as will that war which shall follow that disastrous event — if that event ever happen — of dissolution.

And what would be its termination? Standing armies and navies, to an extent draining the revenues of each portion of the dissevered empire, would be created; exterminating wars would follow — not a war of two or three years, but of interminable duration; an exterminating war would follow, until some Philip or Alexander, some Cæsar or Napoleon, would rise to cut the Gordian knot, and solve the capacity of man for self-government, and

crush the liberties of both the dissevered portions of this Union. Can you doubt it? Look at history — consult the pages of all history, ancient or modern; look at human nature, — look at the character of the contest in which you would be engaged in the supposition of a war following the dissolution of the Union, such as I have suggested, — and I ask you if it is possible for you to doubt that the final but perhaps distant termination of the whole will be some despot treading down the liberties of the people? that the final result will be the extinction of this last glorious light which is leading all mankind, who are gazing upon it, to cherish hope and anxious expectation that the liberty which prevails here will sooner or later be advanced throughout the civilized world? Can you lightly contemplate the consequences? Can you yield yourself to a torrent of passion, amidst dangers which I have depicted in colours far short of what would be the reality if the event should ever happen? I conjure gentlemen — whether from the South or the North — by all they hold dear in the world; by all their love of liberty; by all their veneration for their ancestors; by all their regard for posterity; by all their gratitude to Him who has bestowed upon them such unnumbered blessings; by all the duties which they owe to mankind, and all the duties which they owe to themselves — by all these considerations I implore them to pause — solemnly to pause — at the edge of the precipice, before the fearful and disastrous leap is taken in the yawning abyss below, which will inevitably lead to certain and irretrievable destruction. And, finally, I implore, as the best blessing which Heaven can bestow upon me upon

earth, that if the direful and sad event of the dissolution of the Union shall happen, I may not survive to behold the sad and heart-rending spectacle.

VII

THE EXPUNGING RESOLUTION

BY HENRY CLAY

WHAT patriotic purpose is to be accomplished by this expunging? 'Is it to appease the wrath, and to heal the wounded pride of the chief magistrate? If he really be the hero that his friends represent him, he must despise all mean condescension, all grovelling sycophancy, all self-degradation and self-abasement. He would reject with scorn and contempt, as unworthy of his fame, your black scratches, and your baby lines in the fair records of his country. Black lines! Black lines! Sir, I hope the secretary of the Senate will preserve the pen with which he may inscribe them, and present it to that senator of the majority whom he may select, as a proud trophy, to be transmitted to his descendants. And hereafter, when we shall lose the forms of our free institutions, — all that now remain to us, — some future American monarch, in gratitude to those by whose means he has been enabled, upon the ruins of civil liberty, to erect a throne, and to commemorate especially this expunging resolution, may institute a new order of knighthood, and confer on it the appropriate name of THE KNIGHT OF THE BLACK LINES.

But why should I detain the Senate, or needlessly

waste my breath in future exertions? The decree has gone forth. It is one of urgency, too. The deed is to be done—that foul deed, like the blood-stained hands of the guilty Macbeth, all ocean's waters will never wash out. Proceed, then, to the noble work which lies before you, and like other skilful executioners, do it quickly. And when you have perpetrated it, go home to the people, and tell them what glorious honours you have achieved for our common country. Tell them that you have extinguished one of the brightest and purest lights that ever burned at the altar of civil liberty. Tell them that you have silenced one of the noblest batteries that ever thundered in defence of the constitution, and bravely spiked the cannon. Tell them that henceforth, no matter what daring or outrageous act any president may perform, you have forever hermetically sealed the mouth of the Senate. Tell them that he may fearlessly assume what power he pleases, snatch from its lawful custody the public purse, command a military detachment to enter the hall of the capitol, overawe Congress, trample down the constitution, and raze every bulwark of freedom; but that the Senate must stand mute, in silent submission, and not dare to raise its opposing voice; that it must wait until a House of Representatives, humbled and subdued like itself, and a majority of it composed of the partisans of the President, shall prefer articles of impeachment. Tell them, finally, that you have restored the glorious doctrine of passive obedience and non-resistance; and, if the people do not pour out their indignation and imprecation, I have yet to learn the character of American freemen.

VIII

ON THE SLAVERY QUESTION

(PERORATION)

BY JOHN C. CALHOUN

HAVING now shown what cannot save the Union, I return to the question with which I commenced, — How can the Union be saved? There is but one way by which it can with any certainty; and that is, by a full and final settlement, on the principle of justice, of all the questions at issue between the two sections. The South asks for justice, simple justice, and less she ought not to take. She has no compromise to offer but the Constitution; and no concession or surrender to make. She has already surrendered so much that she has little left to surrender. Such a settlement would go to the root of the evil, and remove all cause of discontent, by satisfying the South that she could remain honourably and safely in the Union, and thereby restore the harmony and fraternal feelings between the sections, which existed anterior to the Missouri agitation. Nothing else can, with any certainty, finally and forever settle the question at issue, terminate agitation, and save the Union.

But can this be done? Yes, easily; not by the weaker party, for it can of itself do nothing — not even protect itself — but by the stronger. The North has only to will it to accomplish it — to do justice by conceding to the South an equal right in the acquired territory, and to do her duty by causing

the stipulations relative to fugitive slaves to be faithfully fulfilled — to cease the agitation of the slave question, and to provide for the insertion of a provision in the Constitution, by an amendment, which will restore to the South, in substance, the power she possessed of protecting herself, before the equilibrium between the sections was destroyed by the action of this government. There will be no difficulty in devising such a provision — one that will protect the South, and which, at the same time, will improve and strengthen the government, instead of impairing and weakening it.

But will the North agree to this? It is for her to answer the question. But, I will say, she cannot refuse, if she has half the love of the Union which she professes to have, or without justly exposing herself to the charge that her love of power and aggrandizement is far greater than her love of the Union. At all events, the responsibility of saving the Union rests on the North, and not on the South. The South cannot save it by any act of hers, and the North may save it without any sacrifice whatever, unless to do justice, and to perform her duties under the Constitution, should be regarded by her as a sacrifice.

It is time, Senators, that there should be an open and manly avowal on all sides, as to what is intended to be done. If the question is not now settled, it is uncertain whether it ever can hereafter be; and we, as the representatives of the States of this Union regarded as governments, should come to a distinct understanding as to our respective views, in order to ascertain whether the great questions at issue can be settled or not. If you, who

represent the stronger portion, cannot agree to settle them on the broad principle of justice and duty, say so; and let the States we both represent agree to separate and part in peace. If you are unwilling we should part in peace, tell us so; and we shall know what to do when you reduce the question to submission or resistance. If you remain silent, you will compel us to infer by your acts what you intend. In that case, California will become the test question. If you admit her under all the difficulties that oppose her admission, you compel us to infer that you intend to exclude us from the whole of the acquired territories, with the intention of destroying irretrievably the equilibrium between the two sections. We should be blind not to perceive in that case, that your real objects are power and aggrandizement, and infatuated not to act accordingly.

I have now, Senators, done my duty in expressing my opinions fully, freely, and candidly, on this solemn occasion. In doing so, I have been governed by the motives which have governed me in all the stages of the agitation of the slavery question since its commencement. I have exerted myself during the whole period to arrest it, with the intention of saving the Union, if it could be done; and if it could not, to save the section where it has pleased Providence to cast my lot, and which I sincerely believe has justice and the Constitution on its side. Having faithfully done my duty to the best of my ability, both to the Union and my section, throughout this agitation, I shall have the consolation, let what will come, that I am free from all responsibility.

IX

EULOGIUM ON SOUTH CAROLINA¹

BY ROBERT Y. HAYNE

I CALL upon any one who hears me, to bear witness that this controversy is not of my seeking. The Senate will do me the justice to remember that, at the time this unprovoked and uncalled-for attack was made upon the South, not one word had been uttered by me in disparagement of New England, nor had I made the most distant allusion either to the Senator from Massachusetts or the State he represents. But, sir, that gentleman has thought proper, for reasons best known to himself, to strike the South, through one, the most unworthy of her servants. He has crossed the border, he has invaded the State of South Carolina, is making war upon her citizens, and endeavouring to overthrow her principles and her institutions. Sir, when the gentleman provokes me to such a conflict, I meet him at the threshold, I will struggle while I have life, for our altars and our firesides; and if God give me strength, will drive back the invader discomfited. Nor shall I stop there. If the gentleman provoke war, he shall have war. Sir, I will not stop at the border; I will carry the war into the enemies' territory and not consent to lay down my arms until I shall have obtained "indemnity for the past, and security for the future." It is with unfeigned reluctance that I enter upon the performance of this part of my duty — I shrink almost instinctively from a

¹ See Webster's speech in reply to Hayne.

course, however necessary, which may have a tendency to excite sectional feelings and sectional jealousies. But, sir, the task has been forced upon me, and I proceed right onward to a performance of my duty. Be the consequences what they may, the responsibility is with those who have imposed upon me this necessity. The Senator from Massachusetts has thought proper to cast the first stone, and if he shall find, according to the homely adage, that "he lives in a glass house" — on his head be the consequences. The gentleman has made a great flourish about his fidelity to Massachusetts. I shall make no professions of zeal for the interests and honour of South Carolina — of that my constituents shall judge. If there be one State in the Union (and I say it not in any boastful spirit) that may challenge comparison with any other for a uniform, zealous, ardent, and uncalculating devotion to the Union, that State is South Carolina. Sir, from the very commencement of the Revolution up to this hour, there is no sacrifice, however great, she has not cheerfully made; no service she has ever hesitated to perform. She has adhered to you in your prosperity, but in your adversity she has clung to you with more than filial affection. No matter what was the condition of her domestic affairs, though deprived of her resources, divided by parties, or surrounded by difficulties, the call of the country has been to her as the voice of God. Domestic discord has ceased at the sound; every man became at once reconciled to his brethren, and the sons of Carolina were all seen crowding together to the temple, bringing their gifts to the altar of their common country. What, sir, was the conduct of the South during the

Revolution? Sir, I honour New England for her conduct in that glorious struggle; but great as is the praise which belongs to her, I think at least equal honour is due to the South. They espoused the cause of their brethren with generous zeal which did not suffer them to stop to calculate their interest in the dispute. Favourites of the mother country, possessed of neither ships nor seamen to create commercial rivalry, they might have found in their situation a guaranty that their trade would be forever fostered and protected by Great Britain. But trampling on all considerations, either of interest or of safety, they rushed into the conflict and, fighting for principle, perilled all in the sacred cause of freedom. Never were there exhibited in the history of the world, higher examples of noble daring, dreadful suffering, and heroic endurance, than by the Whigs of Carolina during that Revolution. The whole State, from the mountain to the sea, was overrun by an overwhelming force of the enemy. The fruits of industry perished on the spot where they were produced, or were consumed by the foe. The plains of Carolina drank up the most precious blood of her citizens; black and smoking ruins marked the places which had been the habitations of her children! Driven from their homes into the gloomy and almost impenetrable swamps, even there the spirit of liberty survived, and South Carolina, sustained by the example of her Sumters and her Marions, proved by her conduct that, though her soil might be overrun, the spirit of her people was invincible.

X

THE PRESENT AGE

BY W. E. CHANNING

THE Present Age. In these brief words what a world of thought is comprehended; what infinite movements; what joys and sorrows; what hope and despair; what faith and doubt; what silent grief and loud lament; what fierce conflicts and subtle schemes of policy; what private and public revolutions! In the period through which many of us have passed, what thrones have been shaken; what hearts have bled; what millions have been butchered by their fellow-creatures; what hopes of philanthropy have been blighted! And at the same time what magnificent enterprises have been achieved; what new provinces won to science and art; what rights and liberties secured to nations! It is a privilege to have lived in an age so stirring, so pregnant, so eventful. It is an age never to be forgotten. Its voice of warning and encouragement is never to die. Its impression on history is indelible. Amidst its events, the American Revolution, the first distinct, solemn assertion of the rights of men; and the French Revolution, that volcanic force which shook the earth to its centre, are never to pass from men's minds. Over this age the night will, indeed, gather more and more as time rolls away; but in that night two forms will appear, Washington and Napoleon, the one a lurid meteor, the other a benign, serene, and undecaying star. Another American name will live in history, your

Franklin; and the kite which brought lightning from heaven will be seen sailing in the clouds (by remote posterity, when the city where he dwelt may be known only by its ruins. | There is, however, something greater in the age than its greatest men; it is the appearance of a new power in the world, the appearance of the multitude of men on the stage where as yet the few have acted their parts alone. This influence is to endure to the end of time. (What more of the present is to survive? Perhaps much of which we now take no note. The glory of an age is often hidden from itself. Perhaps some word has been spoken in our day which we have not deigned to hear, but which is to grow clearer and louder through all ages. Perhaps some silent thinker among us is at work in his closet whose name is to fill the earth. Perhaps there sleeps in his cradle some reformer who is to move the church and the world, who is to open a new era in history, who is to fire the human soul with new hope and new daring.) What else is to survive the age? That which the age has little thought of, but which is living in us all; I mean the soul, the immortal spirit. Of this all ages are the unfoldings, and it is greater than all. (We must not feel, in the contemplation of the vast movements in our own and former times, as if we ourselves were nothing.) I repeat it, we are greater than all. We are to survive our age, to comprehend it, and to pronounce its sentence.

XI

THE MAYFLOWER

BY EDWARD EVERETT

[Edward Everett, clergyman, professor, statesman, diplomat, and lecturer, is perhaps the best American example of the scholar in public life.]

METHINKS I see it now, that one solitary, adventurous vessel, the Mayflower of a forlorn hope, freighted with the prospects of a future State, and bound across the unknown sea. I behold it pursuing, with a thousand misgivings, the uncertain, the tedious voyage. Suns rise and set, and weeks and months pass, and winter surprises them on the deep, but brings them not the sight of the wished-for shore. I see them now, scantily supplied with provisions, crowded almost to suffocation in their ill-stored prison, delayed by calms, pursuing a circuitous route; and now, driven in fury before the raging tempest, in their scarcely seaworthy vessel. The awful voice of the storm howls through the rigging. The labouring masts seem straining from their base; the dismal sound of the pumps is heard; the ship leaps, as it were, madly from billow to billow; the ocean breaks, and settles with ingulfing floods over the floating deck, and beats with deadening weight against the staggering vessel.

I see them escaped from these perils, pursuing their all but desperate undertaking, and landed at last, after a five months' passage, on the ice-clad rocks of Plymouth, weak and exhausted from the

voyage, poorly armed, scantily provisioned, depending on the charity of their ship-master for a draught of beer on board, drinking nothing but water on shore, without shelter, without means, surrounded by hostile tribes.

Shut now the volume of history, and tell me, on any principle of human probability, what shall be the fate of this handful of adventurers? Tell me, man of military science, in how many months they were all swept off by the thirty savage tribes enumerated within the boundaries of New England? Tell me, politician, how long did this shadow of a colony, on which your conventions and treaties had not smiled, languish on the distant coast? Student of history, compare for me the baffled projects, the deserted settlements, the abandoned adventurers of other times, and find the parallel of this. Was it the winter storm, beating upon the houseless heads of women and children? was it hard labour and spare meals? was it disease? was it the tomahawk? was it the deep malady of a blighted hope, a ruined enterprise, and a broken heart, aching in its last moments at the recollections of the loved and left, beyond the sea? was it some or all of them united that hurried this forsaken company to their melancholy fate? And is it possible that neither of these causes, that all combined, were able to blast this bud of hope? Is it possible that from a beginning so feeble, so frail, so worthy, not so much of admiration as of pity, there has gone forth a progress so steady, a growth so wonderful, a reality so important, a promise yet to be fulfilled so glorious?

XII

ACHIEVEMENTS OF THE PILGRIMS

BY EDWARD EVERETT

WERE it only an act of rare adventure, were it a trait in foreign or ancient history, we should fix upon the achievements of our fathers as among the noblest deeds in the annals of the world. Were we attracted to it by no other feeling than that sympathy we feel in all the fortunes of our race, it could lose nothing, it must gain, in the contrast with whatever history or tradition has preserved to us of the wanderings and the settlements of the tribes of man. A continent for the first time effectually explored; a vast ocean traversed by men, women, and children, voluntarily exiling themselves from the fairest portions of the Old World; and a great nation grown up, in the space of two centuries, on the foundation so perilously laid by this feeble band — point me to the record, or to the tradition of anything that can enter into competition with it! It is the language, not of exaggeration, but of truth and soberness, to say that there is nothing in the accounts of Phœnician, of Grecian, or of Roman colonization, that can stand in the comparison.

Accomplishing all they projected, — what they projected was the least part of what has come to pass. Did they propose to themselves a refuge, beyond the sea, from the religious and the political tyranny of Europe? They achieved not that alone, but they have opened a wide asylum to all the victims of oppression throughout the world. We our-

selves have seen the statesmen, the generals, the kings of the elder world flying for protection to our shores. Did they look for a retired spot, inoffensive for its obscurity, and safe in its remoteness, where the little church of Leyden might enjoy freedom of conscience? Behold the mighty regions over which, in peaceful conquest, — *victoria sine clade*, — they have borne the banner of the cross! Did they seek, under the common franchise of a trading charter, to prosecute a frugal commerce, in reimbursement of the expenses of their humble establishment? The fleets and navies of their descendants are on the farthest ocean; and the wealth of the Indies is now wafted with every tide to the coasts where, with hook and line, they painfully gathered up their frugal earnings. In short, did they, in their brightest and most sanguine moments, contemplate a thrifty, loyal, and prosperous colony, portioned off, like a younger son of the imperial household, to an humble and dutiful distance? Behold the spectacle of an independent and powerful Republic, founded on the shores where some of those are but lately deceased who saw the first born of the Pilgrims!

And shall we stop here? Is the tale now told? Is the contrast now complete? Are our destinies all fulfilled? Why, friends, we are in the very morning of our days; our numbers are but a unit; our national resources but a pittance; our hopeful achievements in the political, the social, and the intellectual nature, are but the rudiments of what the children of the Pilgrims must yet attain. I dare adventure the prediction that he who, two centuries hence, shall stand where I stand, and look on our

present condition, will sketch a contrast far more astonishing; and will speak of our times as the day of small things, in stronger and juster language than any in which we can depict the poverty and wants of our fathers.

XIII

PURITAN AND SPARTAN HEROISM

BY RUFUS CHOATE

IF one were called on to select the more glittering of the instances of military heroism to which the admiration of the world has been most constantly attracted, he would make choice, I imagine, of the instance of that desperate valour, in which, in obedience to the laws, Leonidas and his three hundred Spartans cast themselves headlong, at the passes of Greece, on the myriads of their Persian invaders. From the simple page of Herodotus, longer than from the Amphictyonic monument, or the games of the commemoration, that act still speaks to the tears and praise of all the world. Yet I agree with a late brilliant writer, in his speculation on the probable feelings of that devoted band, left alone awaiting, till day should break, the approach of a certain death, in that solitary defile. Their enthusiasm and their rigid and Spartan spirit, which had made all ties subservient to obedience to the law, all excitement tame to that of battle, all pleasure dull to the anticipation of glory, probably made the hours preceding death the most enviable of their lives. They may have exulted in the same elevated fanaticism which distinguished afterwards the followers of

Mahomet, and seen that opening paradise in immortality below which the Mussulman beheld in anticipation above! Judge if it were not so; judge if a more decorative and conspicuous stage was ever erected for the transaction of a deed of fame. Every eye in Greece, every eye throughout the world of civilization, throughout even the uncivilized and barbaric East, was felt to be turned directly upon the playing of that brief part. There passed round that narrow circle in the tent, the stern, warning image of Sparta, pointing to their shields, and saying, "*With these to-morrow, or upon them.*" Consider, too, that the one concentrated and comprehensive sentiment graved on their souls as by fire and by steel, by all the influences of their whole life, by the mothers' lips, by the fathers' example, by the law, by venerated religious rites, by public opinion strong enough to change the moral quality of things, by the whole fashion and nature of Spartan culture, was this: seek first, seek last, seek always, the glory of conquering or falling in a "well fought field." Judge if, that night, as they watched the dawn of the last morning their eyes could ever see; as they heard with every passing hour the stilly hum of the invading hosts, his dusky lines stretched out without end, and now almost encircling them around; as they remembered their unprofaned home, city of heroes and of the mother of heroes,—judge if, watching them in the gate-way of Greece, this sentiment did not grow to the nature of madness, if it did not run in torrents of literal fire to and from the labouring heart; and when morning came and passed, and they had dressed their long locks for battle, and when, at a little after noon, the countless

invading throng was seen at last to move, was it not with a rapture, as if all the joy, all the sensation of life, was in that one moment, that they cast themselves, with the fierce gladness of mountain torrents, headlong on that brief revelry of glory!

I acknowledge the splendour of that transaction in all its aspects. I admit its morality, too, and its useful influence on every Grecian heart, in that greatest crisis of Greece. And yet, do you not think that whoso could, by adequate description, bring before you that winter of the Pilgrims — its brief sunshine; the nights of storm, slow waning; the damp and icy breath, felt to the pillow of the dying; its destitutions; its contrast with all their former experience in life; its utter insulation and loneliness; its deathbeds and burials; its memories; its apprehensions; its hopes; the counsels of the prudent; the prayers of the pious; the occasional cheerful hymn, in which the strong heart threw off its burden, and asserting its unvanquished nature went up like a bird of dawn to the skies, — do ye not think that whoso could describe them, calmly waiting in that defile, lonelier and darker than Thermopylæ, for a morning that might never dawn, or might show them, when it did, a mightier arm than the Persian raised as in act to strike, would he not sketch a scene of more difficult and rarer heroism? A scene, as Wordsworth has said, “melancholy, yea, dismal, yet consolatory and full of joy”; a scene even better fitted to succour, to exalt, to lead the forlorn hopes of all great causes, till time shall be no more!

XIV

TRUE GRANDEUR OF NATIONS

BY CHARLES SUMNER

CASTING our eyes over the history of nations, with horror we discern the succession of murderous slaughters by which their progress has been marked. | Even as the hunter traces the wild beast, | when pursued to his lair, by the drops of blood on the earth, | so we follow man, - weary, - staggering with wounds, - through the black forest of the past, which he has reddened with his gore. | Oh, let it not be in the future ages as in those which we now contemplate! | Let the grandeur of man be discerned, - not in bloody victories, - or in ravenous conquests, | but in the blessings which he has secured; | in the good he has accomplished; | in the triumphs of benevolence and justice; | in the establishment of perpetual peace. |

As the ocean washes every shore, | and, with all-embracing arms, clasps every land, while on its heaving bosom it bears the products of various climes; | so peace surrounds, protects, and upholds all other blessings. | Without it, commerce is vain, the ardour of industry is restrained, | justice is arrested, | happiness is blasted, | virtue sickens and dies. |

And peace has its own peculiar victories, | in comparison with which Marathon and Bannockburn and Bunker Hill, fields held sacred in the history of human freedom, | shall lose their lustre. | Our own Washington rises to a truly heavenly stature, — not when we follow him over the ice of the Delaware

to the capture of Trenton; not when we behold him victorious over Cornwallis at Yorktown, — but when we regard him in noble deference to justice, refusing the kingly crown which a faithless soldiery proffered, and at a later day upholding the peaceful neutrality of the country, while he received unmoved the clamour of the people wickedly crying for war.

XV

DEATH OF NAPOLEON

BY WILLIAM H. SEWARD

HE was an emperor. But he saw around him a mother, brothers, and sisters, not ennobled; whose humble state reminded him and the world that he was born a plebeian; and he had no heir to wait for the imperial crown. He scourged the earth again, and again fortune smiled on him even in his wild extravagance. He bestowed kingdoms and principalities upon his kindred, put away the devoted wife of his youthful days, and another, a daughter of Hapsburg's imperial house, joyfully accepted his proud alliance. Offspring gladdened his anxious sight; a diadem was placed on its infant brow, and it received the homage of princes, even in its cradle. Now he was indeed a monarch — a legitimate monarch — a monarch by divine appointment — the first of an endless succession of monarchs. But there were other monarchs who held sway in the earth. He was not content, he would reign with his kindred alone. He gathered new and greater armies, from his own land — from

subjugated lands. He called forth the young and brave — one from every household — from the Pyrenees to the Zuyder Zee — from Jura to the ocean. He marshalled them into long and majestic columns, and went forth to seize that universal dominion which seemed almost within his grasp. But ambition had tempted fortune too far. The nations of the earth resisted, repelled, pursued, surrounded him. The pageant was ended. The crown fell from his presumptuous head. The wife who had wedded him in his pride forsook him when the hour of fear came upon him. His child was ravished from his sight. His kinsmen were degraded to their first estate, and he was no longer emperor, nor consul, nor general, nor even a citizen, but an exile and a prisoner, on a lonely island, in the midst of the wild Atlantic. Discontent attended him here. The wayward man fretted out a few long years of his yet unbroken manhood, looking off at the earliest dawn and in evening's latest twilight, toward that distant world that had only just eluded his grasp. His heart corroded. Death came, not unlooked for, though it came even then unwelcome. He was stretched on his bed within the fort which constituted his prison. A few fast and faithful friends stood around, with the guards who rejoiced that the hour of relief from long and wearisome watching was at hand. As his strength wasted away, delirium stirred up the brain from its long and inglorious inactivity. The pageant of ambition returned. He was again a lieutenant, a general, a consul, an emperor of France. He filled again the throne of Charlemagne. His kindred pressed around him, again invested with the pompous pageantry of

royalty. The daughter of the long line of kings again stood proudly by his side, and the sunny face of his child shone out from beneath the diadem that encircled its flowing locks. The marshals of Europe awaited his command. The legions of the Old Guard were in the field, their scarred faces rejuvenated, and their ranks — thinned in many battles — replenished. Russia, Prussia, Denmark, and England, gathered their mighty hosts to give him battle. Once more he mounted his impatient charger and rushed forth to conquest. He waved his sword aloft and cried, "TÊTE D'ARMÉE." The feverish vision broke — the mockery was ended. The silver cord was loosened, and the warrior fell back upon his bed a lifeless corpse. THIS WAS THE END OF EARTH. THE CORSICAN WAS NOT CONTENT.

XVI

TOUSSAINT L'OUVERTURE¹

BY WENDELL PHILLIPS

[Wendell Phillips, the silver-tongued orator, is the most mellifluous of American speakers, Webster hardly excepted. But he was not a great statesman, nor a great preacher, nor a great writer; hence he is in danger of losing credit for being a great orator.]

IF I were to tell you the story of Napoleon, I should take it from the lips of Frenchmen, who find no language rich enough to paint the great captain ~~of the nineteenth century.~~ Were I to tell you,

¹ The negro patriot eulogized in this oration, after freeing his country, was, in violation of the treaty of peace, seized and conveyed to France, where he died of starvation in a dungeon.

the story of Washington, I should take it from your hearts, — you, who think no marble white enough on which to carve the name of the Father of his country. || But I am to tell you the story of a negro, Toussaint L'Ouverture, who has left hardly one written line. I am to glean it from the reluctant testimony of his enemies, men who despised him because he was a negro and a slave, hated him because he had beaten them in battle.

~~Cromwell manufactured his own army. Napoleon, at the age of twenty-seven, was placed at the head of the best troops Europe ever saw. Cromwell never saw an army till he was forty; this man never saw a soldier till he was fifty.~~ Cromwell manufactured his own army — out of what? Englishmen, — the best blood in Europe. ~~Out of the middle class of Englishmen, — the best blood of the island.~~ And with it he conquered what? Englishmen, — their equals. || This man manufactured his army out of what? Out of what you call the despicable race of negroes, debased, demoralized by two hundred years of slavery; one hundred thousand of them imported into the island within four years, unable to speak a dialect intelligible even to each other. Yet out of this mixed, and, as you say, despicable mass, he forged a thunderbolt, and hurled it at what? || At the proudest blood in Europe, the Spaniard, and sent him home conquered || at the most warlike blood in Europe, the French, and put them under his feet; || at the pluckiest blood in Europe, the English, and they skulked home to Jamaica. || Now, if Cromwell was a general, at least this man was a soldier. ||

Now, blue-eyed Saxon, proud of your race, go

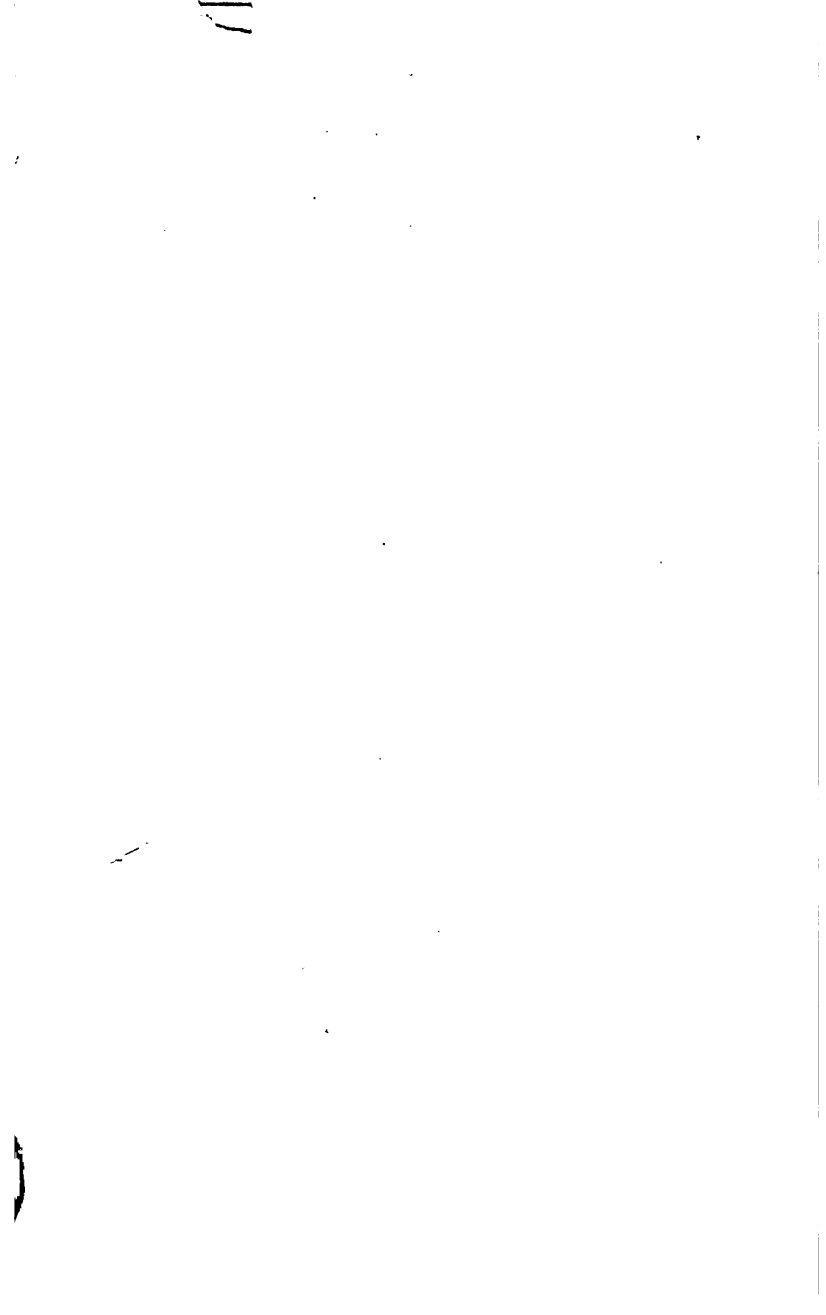
back with me to the commencement of the century, and select what statesman you please. Let him be either American or European; let him have a brain the result of six generations of culture; let him have the ripest training of university routine; let him add to it the better education of practical life; crown his temples with the silver locks of seventy years, and show me the man of Saxon lineage for whom his most sanguine admirer will wreath a laurel, rich as embittered foes have placed on the brow of this negro, — rare military skill, profound knowledge of human nature, content to blot out all party distinctions, and trust a state to the blood of its sons, — ~~anticipating Sir Robert Peel fifty years, and taking his station by the side of Roger Williams, before any Englishman or American had won the right; and yet this is the record which the history of rival states makes up for this inspired black of St. Domingo.~~

Some doubt the courage of the negro.// Go to Haiti, and stand on those fifty thousand graves of the best soldiers France ever had, and ask them what they think of the negro's sword.//

I would call him Napoleon, but Napoleon made his way to empire over broken oaths and through a sea of blood.// This man never broke his word.// I would call him Cromwell, but Cromwell was only a soldier, and the State he founded went down with him into his grave.// I would call him Washington, but the great Virginian held slaves.// This man risked his empire rather than permit the slave trade in the humblest village of his dominions.//

You think me a fanatic, for you read history, not with your eyes, but with your prejudices. But fifty

years hence, when Truth gets a hearing, the Muse of history will put Phocion for the Greek, Brutus for the Roman, Hampden for England, Fayette for France, choose Washington as the bright consummate flower of our earlier civilization, then, dipping her pen in the sunlight, will write in the clear blue, above them all, the name of the soldier, the statesman, the martyr, TOUSSAINT L'OUVERTURE.



APPENDIXES

APPENDIX I

MACAULAY'S DESCRIPTION OF THE TRIAL OF WARREN HASTINGS

THE preparations for the trial had proceeded rapidly; and on the 13th of February, 1788, the sittings of the court commenced. There have been spectacles more dazzling to the eye, more gorgeous with jewellery and cloth of gold, more attractive to grown-up children, than that which was then exhibited at Westminster; but, perhaps, there never was a spectacle so well calculated to strike a highly cultivated, a reflecting, and imaginative mind. All the various kinds of interest which belong to the near and to the distant, to the present and to the past, were collected on one spot, and in one hour. All the talents and all the accomplishments which are developed by liberty and civilization were now displayed, with every advantage that could be derived both from coöperation and from contrast. Every step in the proceedings carried the mind either backward through many troubled centuries to the days when the foundations of our constitution were laid, or far away over boundless seas and deserts to dusky nations living under strange stars, worshipping strange gods, and writing strange characters from right to left. The High Court of Parliament was to sit, according to forms handed down from the days of the Plantagenets, on an Englishman accused of exercising tyranny over the lord of the holy city of Benares, and over the ladies of the princely house of Oude.

The place was worthy of such a trial. It was the great hall of William Rufus, the hall which had resounded with acclamations at the inauguration of thirty kings, the hall

which had witnessed the just sentence of Bacon and the just absolution of Somers, the hall where the eloquence of Strafford had for a moment awed and melted a victorious party inflamed with just resentment, the hall where Charles had confronted the High Court of Justice with the placid courage which has half redeemed his fame. Neither military nor civil pomp was wanting. The avenues were lined with grenadiers. The streets were kept clear by cavalry. The peers, robed in gold and ermine, were marshalled by the heralds under Garter King-at-arms. The judges in their vestments of state attended to give advice on points of law. Near a hundred and seventy lords, three fourths of the Upper House as the Upper House then was, walked in solemn order from their usual place of assembling to the tribunal. The junior Baron present led the way, George Elliott, Lord Heathfield, recently ennobled for his memorable defence of Gibraltar against the fleets and armies of France and Spain. The long procession was closed by the Duke of Norfolk, Earl Marshal of the realm, by the great dignitaries, and by the brothers and sons of the King. Last of all came the Prince of Wales, conspicuous by his fine person and noble bearing. The gray old walls were hung with scarlet. The long galleries were crowded by an audience such as has rarely excited the fears or the emulation of an orator. There were gathered together, from all parts of a great, free, enlightened, and prosperous empire, grace and female loveliness, wit and learning, the representatives of every science and of every art. There were seated round the Queen the fair-haired young daughters of the house of Brunswick. There the Ambassadors of great Kings and Commonwealths gazed with admiration on a spectacle which no other country in the world could present. There Sidons, in the prime of her majestic beauty, looked with emotion on a scene surpassing all the imitations of the stage. There the historian of the Roman Empire thought of the days when Cicero pleaded the cause of Sicily against Verres, and when, before a senate which still retained some show of freedom, Tacitus thundered against the oppressor of Africa. There were seen, side by side, the greatest

painter and the greatest scholar of the age. The spectacle had allured Reynolds from that easel which has preserved to us the thoughtful foreheads of so many writers and statesmen, and the sweet smiles of so many noble matrons. It had induced Parr to suspend his labours in that dark and profound mine from which he had extracted a vast treasure of erudition, a treasure too often buried in the earth, too often paraded with injudicious and inelegant ostentation, but still precious, massive, and splendid. There appeared the voluptuous charms of her to whom the heir of the throne had in secret plighted his faith. There too was she, the beautiful mother of a beautiful race, the Saint Cecilia whose delicate features, lighted up by love and music, art has rescued from the common decay. There were the members of that brilliant society which quoted, criticised, and exchanged repartees, under the rich peacock-hangings of Mrs. Montagu. And there the ladies whose lips, more persuasive than those of Fox himself, had carried the Westminster election against palace and treasury, shone round Georgiana, Duchess of Devonshire.

The serjeants made proclamation. Hastings advanced to the bar, and bent his knee. The culprit was indeed not unworthy of that great presence. He had ruled an extensive and populous country, had made laws and treaties, had sent forth armies, had set up and pulled down princes. And in his high place he had so borne himself that all had feared him, that most had loved him, and that hatred itself could deny him no title to glory, except virtue. He looked like a great man, and not like a bad man. A person small and emaciated, yet deriving dignity from a carriage which, while it indicated deference to the court, indicated also habitual self-possession and self-respect, a high and intellectual forehead, a brow pensive but not gloomy, a mouth of inflexible decision, a face pale and worn but serene, on which was written, as legibly as under the picture in the council-chamber at Calcutta, *Mens aequa in arduis*; such was the aspect with which the great Proconsul presented himself to his judges.

His counsel accompanied him, men all of whom were

afterwards raised by their talents and learning to the highest posts in their profession, — the bold and strong-minded Law, afterwards Chief Justice of the King's Bench; the more humane and eloquent Dallas, afterwards Chief Justice of the Common Pleas; and Plomer who, near twenty years later, successfully conducted in the same high court the defence of Lord Melville, and subsequently became Vice-chancellor and Master of the Rolls.

But neither the culprit nor his advocates attracted so much notice as the accusers. In the midst of the blaze of red drapery a space has been fitted up with green benches and tables for the Commons. The managers, with Burke at their head, appeared in full dress. The collectors of gossip did not fail to remark that even Fox, generally so regardless of his appearance, had paid to the illustrious tribunal the compliment of wearing a bag and sword. Pitt had refused to be one of the conductors of the impeachment; and his commanding, copious, and sonorous eloquence was wanting to that great muster of various talents. Age and blindness had unfitted Lord North for the duties of a public prosecutor; and his friends were left without the help of his excellent sense, his tact, and his urbanity. But, in spite of the absence of these two distinguished members of the Lower House, the box in which the managers stood contained an array of speakers such as perhaps had not appeared together since the great age of Athenian eloquence. There were Fox and Sheridan, the English Demosthenes and the English Hyperides. There was Burke, ignorant, indeed, or negligent of the art of adapting his reasonings and his style to the capacity and taste of his hearers, but in amplitude of comprehension and richness of imagination superior to every orator, ancient or modern. There, with eyes reverentially fixed on Burke, appeared the finest gentleman of the age, his form developed by every manly exercise, his face beaming with intelligence and spirit, the ingenious, the chivalrous, the high-souled Windham. Nor, though surrounded by such men, did the youngest manager pass unnoticed. At an age when most of those who distinguish themselves in life are still contending for

prizes and fellowships at college, he had won for himself a conspicuous place in Parliament. No advantage of fortune or connection was wanting that could set off to the height his splendid talents and his unblemished honour. At twenty-three he had been thought worthy to be ranked with the veteran statesmen who appeared as the delegates of the British Commons, at the bar of the British nobility. All who stood at that bar, save him alone, are gone, — culprit, advocates, accusers. To the generation which is now in the vigour of life, he is the sole representative of a great age which has passed away. But those who, within the last ten years, have listened with delight, till the morning sun shone on the tapestries of the House of Lords, to the lofty and animated eloquence of Charles Earl Grey, are able to form some estimate of the powers of a race of men among whom he was not the foremost.

The charges and the answers of Hastings were first read. The ceremony occupied two whole days, and was rendered less tedious than it would otherwise have been by the silver voice and just emphasis of Cowper, the clerk of the court, a near relation of the amiable poet. On the third day Burke rose. Four sittings were occupied by his opening speech, which was intended to be a general introduction to all the charges. With an exuberance of thought and a splendour of diction which more than satisfied the highly raised expectation of the audience, he described the character and institutions of the natives of India, recounted the circumstances in which the Asiatic empire of Britain had originated, and set forth the constitution of the Company and of the English Presidencies. Having thus attempted to communicate to his hearers an idea of Eastern society, as vivid as that which existed in his own mind, he proceeded to arraign the administration of Hastings as systematically conducted in defiance of morality and public law. The energy and pathos of the great orator extorted expressions of unwonted admiration from the stern and hostile Chancellor, and, for a moment, seemed to pierce even the resolute heart of the defendant. The ladies in the galleries, unaccustomed to such displays of eloquence, excited by the solemnity of the occasion, and

perhaps not unwilling to display their taste and sensibility, were in a state of uncontrollable emotion. Handkerchiefs were pulled out; smelling-bottles were handed round; hysterical sobs and screams were heard; and Mrs. Sheridan was carried out in a fit. At length the orator concluded. Raising his voice till the old arches of Irish oak resounded, "Therefore," said he, "hath it with all confidence been ordered by the Commons of Great Britain, that I impeach Warren Hastings of high crimes and misdemeanours. I impeach him in the name of the Commons' House of Parliament, whose trust he has betrayed. I impeach him in the name of the English nation, whose ancient honour he has sullied. I impeach him in the name of the people of India whose rights he has trodden under foot, and whose country he has turned into a desert. Lastly, in the name of human nature itself, in the name of both sexes, in the name of every age, in the name of every rank, I impeach the common enemy and oppressor of all!"

When the deep murmur of various emotions had subsided, Mr. Fox rose to address the Lords respecting the course of proceeding to be followed. The wish of the accusers was that the Court would bring to a close the investigation of the first charge before the second was opened. The wish of Hastings and of his counsel was that the managers should open all the charges, and produce all the evidence for the prosecution, before the defence began. The Lords retired to their own House to consider the question. The Chancellor took the side of Hastings. Lord Loughborough, who was now in opposition, supported the demand of the managers. The division showed which way the inclination of the tribunal leaned. A majority of near three to one decided in favour of the course for which Hastings contended.

When the Court sat again Mr. Fox, assisted by Mr. Grey, opened the charge respecting Cheyte Sing, and several days were spent in reading papers and hearing witnesses. The next article was that relating to the Princesses of Oude. The conduct of this part of the case was intrusted to Sheridan. The curiosity of the public to hear him was un-

bounded. His sparkling and highly finished declamation lasted two days; but the Hall was crowded to suffocation during the whole time. It was said that fifty guineas had been paid for a single ticket. Sheridan, when he concluded, contrived, with a knowledge of stage effect which his father might have envied, to sink back, as if exhausted, into the arms of Burke, who hugged him with the energy of generous admiration.

APPENDIX II

THE DIFFERENCE BETWEEN ANCIENT AND MODERN ORATORY

(FROM PROF. R. C. JEBB'S "ATTIC ORATORS")

IN Greek and Roman Antiquity that prose which was written with a view to being spoken stood in the closest relation with that prose which was written with a view to being read. Hence the historical study of ancient oratory has an interest wider and deeper than that which belongs to the study of modern oratory. It is that study by which the practical politics of antiquity are brought into immediate connexion with ancient literature.

The affinities between ancient and modern oratory have been more often assumed than examined. To discuss and illustrate them with any approach to completeness would be matter for a separate work. We must try, however, to apprehend the chief points. These shall be stated as concisely as possible, with such illustrations only as are indispensable for clearness.

Ancient oratory is a fine art,—an art regarded by its cultivators, and by the public, as analogous to sculpture, to poetry, to painting, to music, and to acting. This character is common to Greek and Roman oratory; but it originated with the Greeks, and was only acquired by the Romans. The evidence for this character may be considered as internal and external. The internal evidence is that which is afforded by the ancient orations themselves. First, we find in these, considered universally, a fastidious nicety of diction, of composition, and of arrangement which shows that the attention bestowed on their form, as distinguished from

their matter, was both disciplined and minute. Secondly, we find the orator occasionally repeating shorter or longer passages — not always striking passages — from some other speech of his own, with or without verbal amendments; or we find him borrowing such passages from another orator. Thus Isokrates, in his *Panegyrikos*, borrowed from Olympiakos of Lysias, and from the so-called Lysian *Epitaphios*. Demosthenes, in the speech against Meidias, borrowed from speeches of Lysias, of Isaios, and of Lykurgos in like cases of outrage. In many places Demosthenes borrowed from himself. This was done on the principle that *τὸ καλῶς εἰπεῖν ἀπαξ περιγίνεται, δις δὲ οὐκ ἐνδέχεται*: *A thing can be well said once, but cannot be well said twice*. That is, if a thought, however trivial, has once been perfectly expressed, it has, by that expression, become a morsel of the world's wealth of beauty. The doctrine might sometimes justify an artist in repeating himself; as an excuse for appropriation, it omits to distinguish the nature of the individual's property in a sunset and in a gem; but, among Greeks at least, it was probably not so much indolence as solicitude for the highest beauty, even in the least details, that prompted such occasional plagiarisms.

Thirdly, we find that the orators, in addressing juries or assemblies, criticise each other's style. Æschines, in a trial on which all his fortunes depended, quotes certain harsh or unpleasant figures of speech which, as he alleges, Demosthenes had used. "How," he cries to the jurors, "how, men of iron, can you have supported them?" And then, turning in triumph to his rival, "What are these, knave? *ῥήματα ἢ θαύματα*: metaphors or monsters?" When a poet, a painter, or a musician thus scrutinizes a brother artist's work, the modern world is not surprised. But a modern advocate or statesman would not expect to make a favourable impression by exposing in detail the stylistic shortcomings of an opponent.

The external evidence is supplied by what we know of the orators, of their hearers, and of their critics. Already, before the art of Rhetoric had become an elaborate system, the orators were accustomed to prepare themselves for their

task by laborious training, — first in composition, then in delivery. They make no secret of this. They are not ashamed of it. On the contrary, they avow it and insist upon it. Demosthenes would never speak extemporarily when he could help it; he was unwilling to put his faculty at the mercy of fortune. "Great is the labour of oratory," says Cicero, "as is its field, its dignity, and its reward." Nor were the audiences less exacting than the speakers were painstaking. The hearers were attentive, not merely to the general drift or to the total effect, but to the particular elegance. Isokrates speaks of "the antitheses, the symmetrical clauses, and other figures which lend brilliancy to oratorical displays, compelling the listeners to give clamorous applause." Sentences not especially striking or important in relation to the ideas which they convey are praised by the ancient critics for their artistic excellence. Further, when an orator, or a master of oratorical prose, wished to publish what we should now call a pamphlet, the form which he chose for it as most likely to be effective was that, not of an essay, but of a speech purporting to be delivered in certain circumstances which he imagined. Such are the *Archidamos*, the *Areopagitikos*, and the *Symmachikos* of Isokrates in the Deliberative form, and his speech *On the Antidosis* in the Forensic. Such again is the famous Second Philippic of Cicero. Then we know that orators compiled, for their own use, collections of exordia or of commonplaces, to be used as occasion might serve. Such was that *volumen proœmiorum* of Cicero's which betrayed him into a mistake which he has chronicled. He had sent Atticus his treatise "De Gloria" with the wrong exordium prefixed to it, — one, namely, which he had already prefixed to the Third Book of the *Academics*. On discovering his mistake he sends Atticus a new exordium, begging him to "cut out the other, and substitute this." Lastly, the ancient critics habitually compare the pains needful to produce a good speech with the pains needful to produce a good statue or picture. When Plato wishes to describe the finished smoothness of Lysias, he borrows his image from the sculptor, and says ἀποτετόρνυται. Theon says: "Even as for

him who would be a painter, it is unavailing to observe the works of Apelles, and Protogenes, and Antiphilos, unless he tries to paint with his own hand, so for him who would become a speaker there is no help in the speeches of the ancients, or in the copiousness of their thoughts, or in the purity of their diction, or in their harmonious composition, no, nor in lectures upon elegance, unless he disciplines himself by writing from day to day." Lucilius, from whom Cicero borrows the simile, compares the phrases, *lexeis*, each fitted with nicety to its setting in a finished sentence, with the pieces, *tesserulae*, laid in a mosaic. But among the passages, and they are innumerable, which express this view, there is one in Dionysios that can never be too attentively considered by those who wish to understand the real nature of ancient, and especially of Attic, oratory. He is explaining and defending — partly with a polemical purpose at which we shall have to glance by and by — that minute and incessant diligence which Demosthenes devoted to the perfecting of his orations. "It is not strange," says the critic, "if a man who has won more glory for eloquence than any of those that were renowned before him, who is shaping works for all the future, who is offering himself to the scrutiny of all-testing Envy and Time, adopts no thought, no word, at random, but takes much care of both things, — the arrangement of his ideas and the graciousness of his language: seeing, too, that the men of that day produced discourses which resembled no common scribblings, but rather were like to carved and chiselled forms, — I mean Isokrates and Plato, the Sophists. For Isokrates spent on the Panegyrikos — to take the lowest traditional estimate — ten years; and Plato ceased not to smooth the locks, and adjust the tresses, or vary the braids of his comely creations, even till he was eighty years old. All lovers of literature are familiar, I suppose, with the stories of Plato's industry, especially the story about the tablet which, they say, was found after his death, with the first words of the 'Republic' — *κατέβην χθὲς εἰς Πειραιᾶ μετὰ Γλαῦκῳ τοῦ Ἀρίστου* — arranged in several different orders. What wonder, then, if Demosthenes also took pains to

achieve euphony and harmony, and to avoid employing a single word or a single thought which he had not weighed? It seems to me far more natural that a man engaged in composing political discourses, imperishable memorials of his power, should neglect not even the smallest detail, than that the generation of painters and sculptors, who are darkly showing forth their manual tact and toil in a corruptible material, should exhaust the refinements of their art on the veins, on the feathers, on the down of the lip, and the like niceties." Repeating this passage, slightly altered, in the essay on Demosthenes, Dionysios adds that we might indeed marvel if, while sculptors and painters are thus conscientious, "the artist in civil eloquence (πολιτικός δημιουργός) neglected the smallest aids to speaking well—if indeed these be the smallest."

It has already been observed that this feeling about speaking is originally Greek; and it is worth while to consider how it arose. That artistic sense which distinguished the Greeks above all races that the world has known was concentrated, in the happy pause of development to which we owe their supreme works, on the idealisation of man. Now λόγος, speech, was recognized by the Greeks as the distinctive attribute of man. It was necessary, therefore, that, at this state, they should require in speech a clear-cut and typical beauty analogous to that of the idealized human form. This was the central and primary motive, relatively to which all others were subsidiary or accidental. But of these secondary motives two at least demand a passing notice. First, the oral tradition of poetry and the habit of listening to poetical recitation furnished an analogy which was present to people's minds when they saw a man get up to make a set speech; they expected his words to have something like coherence, something like the plastic outline, something even like the music of the verses which they were wont to hear flow from the lips of his counterpart, the rhapsode. Secondly, in the Greek cities, and especially at Athens, public speaking had, by 450 B. C., become so enormously important, opened so much to ambition, constituted a safeguard so essential for security of property and person,

that not only was there the most various inducement to cultivate it, but it was positively dangerous to neglect it. Further, since in a law-court it was unavailing for the citizen that he could speak well unless the judges thought that he spoke better than his opponent, the art of persuasion was studied with a competitive zeal which wrought together with the whole bent of the Greek genius in securing attention to detail.

It will now be useful to look at some of the broad characteristics of modern oratory and of the modern feeling towards it; but only in so far as these will help our present purpose—namely, to elucidate the nature of ancient oratory. The first thing that strikes one is how completely modern life has redressed the complaint made by the earliest philosophical theorist of rhetoric. Aristotle opens his treatise with the observation that, whereas there are three instruments of rhetorical persuasion,—the ethical, the pathetic, and the logical,—his predecessors have paid by far the most attention to the second, and have almost totally neglected the third, though this third is incomparably the most important,—indeed, the only one of the three which is truly scientific. The logical proof is the very body, *σῶμα*, of rhetorical persuasion,—everything else, appeal to feeling, attractive portrayal of character, and so forth, is, from the scientific point of view, only *προσθήκη*, appendage. This is essentially the modern, especially the modern Teutonic, theory of oratory, and the modern practice is in harmony with it. The broadest characteristic of modern oratory, as compared with ancient, is the predominance of a sustained appeal to the understanding. Hume, with general truth, declares the attributes of Greek oratory to be “rapid harmony, exactly adjusted to the sense,” “vehement reasoning, without any appearance of art,” “disdain, anger, boldness, freedom, involved in a continual stream of argument”—a description, it must be observed, which should at all events be limited to the deliberative and forensic orators contemporary with Demosthenes. Brougham, however, states the case both more accurately and in terms of wider application, when he observes that in ancient oratory there are

scarcely any long chains of elaborate reasoning; what was wanted to move, to rouse, and to please the hearers, was rather a copious stream of plain, intelligible observations upon their interests, appeals to their feelings, reminiscences from the history, especially the recent history, of their city, expositions of the evils to be apprehended from inaction or from impolicy, vindications of the orator's own conduct, demonstrations of the folly which disobeys, or of the malice which assails him. Aristotle himself, it may be observed, the very champion of the enthymeme, is the strongest witness to the truth of this. He impresses upon the student of Rhetoric that a speaker must ever remember that he is addressing the vulgar; he must not expect them to be capable of a far-reaching ratiocination, he must not string syllogism to syllogism, he must administer his logic temperately and discreetly. Now, in contrast with this, long and elaborate chains of reasoning, or expositions of complicated facts, have been the very essence of the great efforts and triumphs of modern oratory; the imagery and the pathos heighten the effect, but would go only a very little way if the understanding of the hearers had not, in the first place, been convinced. We are here again reminded of the basis on which ancient oratory rested. The modern speaker comes before his audience with no *a priori* claim to be regarded as an artist whose display of his art may be commendable and interesting in itself. Cicero's speech for Archias, which is exquisitely composed, but of which not more than one-sixth is to the purpose; or his speech for Publius Sextus, in which the relevant part bears a yet smaller proportion to the whole, could not have been delivered in a British court of justice. There is usually, however, an important difference, which will be noticed by and by, between the nature of Greek and that of Roman irrelevance. On the other hand, the modern exaction of consecutive and intelligible reasoning becomes, of course, less severe the more nearly the discourse approaches to the nature of a display. Still, this logical vigilance, with a comparative indifference to form, is, on the whole, the first great characteristic of modern oratory, and has, of course, become more pronounced since the

system of reporting for the Press has been perfected, as it is now, in many cases, far more important for the speaker to convince readers than to fascinate hearers.

The characteristic which comes next in degree of significance for our present object is the habitual presumption that the speech is extemporary. Even where there has been the most laborious preparation, even where the fact of such preparation is notorious, it is generally felt to be essential to impressiveness that the fact of verbal premeditation should be kept out of sight, and on the part of the hearers it is considered more courteous to ignore it. A certain ridicule attaches to a speech which, not having been delivered, is published,—the sense of something ludicrous arising partly from the feeling, “What an absurd disappointment!” but also from the feeling, “Here are the bursts which would have electrified the audience!” One thing which has helped to establish this feeling is the frequent failure of those who have attempted verbal premeditation; a failure probably due less often to defective memory or nerve than to neglect of a department in which the ancient orators were most diligent, and in which, moreover, they were greatly assisted by the plastic forms among which they lived, by the share of musical training which they ordinarily possessed, and by the draping of the *himation* or the toga,—delivery in respect both of voice and of action. When a premeditated speech is rendered lifeless or ludicrous by the manner in which it is pronounced, the modern mind at once recurs to its prejudice against Rhetoric,—that is, against the Rhetoric of the later schools,—and a contempt is generated for those who deign to labour beforehand on words that should come straight from the heart. There is, however, a much deeper cause than this for the popular modern notion that the greatest oratory must be extemporary, and it is one which, for the modern world, is analogous to the origin of the Greek requirement that speech should be artistic. This cause is the Hebraic basis of education in modern Christendom, especially in those countries which have been most influenced by the Reformation. It becomes a prepossession that the true adviser, the true warner, in all

the gravest situations, on all the most momentous subjects, is one to whom it will in that hour be given what he shall speak, and whose inspiration, when it is loftiest, must be communicated to him at the moment by a Power external to himself. The ancient world compared the orator with the poet. The modern world compares the orator with the prophet.

It is true, indeed, that the ancient theory has often been partially applied in modern times, sometimes with great industry and with much success; but modern conditions place necessary limits to the application, and the great difference is this:—The ancients required the speech to be an artistic whole; the modern orator who composes, or verbally premeditates, trusts chiefly, as a rule, to particular passages, and is less solicitous for a total symmetry. Debate, in our sense, is a modern institution; its unforeseen exigencies claim a large margin in the most careful premeditation; and hence, in the principal field of oratory, an insurmountable barrier is at once placed to any real assimilation between the ancient and the modern modes. Just so much the more, if only for contrast, is it interesting to contemplate those modern orators who have approximated to the classical theory in such measure as their genius and their opportunities allowed. In an inquiry of the present scope, it might be presumptuous to select living illustrations of the Pulpit, the Senate, or the Bar. It would not, indeed, be needful to go far back; but it may be better, for our purpose, to seek examples where the natural partialities of a recent memory no longer refract the steady rays of fame. In respect of finished rhetorical prose, which is not, either in the ancient or in the modern sense, great oratory, but which bears to it the same kind of relation that the *Panegyrikos* of Isokrates bears to the speech *On the Crown*, no one, perhaps, has excelled Canning. The well-known passage of his speech at Plymouth in 1823 will serve as an illustration:—

“The resources created by peace are means of war. In cherishing those resources, we but accumulate those means. Our present repose is no more a proof of inability to act, than the state

of inertness and inactivity in which I see those mighty masses that float in the waters above your town is a proof that they are devoid of strength and incapable of being fitted out for action. You well know, gentlemen, how soon one of those stupendous masses now reposing on their shadows in perfect stillness — how soon, upon any call of patriotism or of necessity, it would assume the likeness of an animated thing, instinct with life and motion — how soon would it ruffle, as it were, its swelling plumage — how quickly it would put forth all its beauty and its bravery, collect its scattered elements of strength, and awaken its dormant thunder. Such as is one of those magnificent machines when springing from inaction into a display of its might — such is England herself, while, apparently passive and motionless, she silently concentrates the power to be put forth on an adequate occasion."

The ancient parallel for this is such a passage as that in the Panegyrikos, describing the irresistible and awe-inspiring might in which the Panhellenic invasion will move through Asia — *θεωρία μᾶλλον ἢ στρατεία προσείκως*. But a nearer resemblance to the classical union of rhythmical finish with living passion is afforded, in deliberative oratory, by Grattan, in forensic, by Erskine. Take the peroration of Grattan's speech in the Irish Parliament on the Declaration of Irish Rights: —

"Do not suffer the arrogance of England to imagine a surviving hope in the fears of Ireland; do not send the people to their own resolves for liberty, passing by the tribunals of justice and the high court of Parliament; neither imagine that, by any formation of apology, you can palliate such a commission to your hearts, still less to your children, who will sting you with their curses in your graves, for having interposed between them and their Maker, robbing them of an immense occasion, and losing an opportunity which you did not create and never can restore.

"Hereafter, when these things shall be history, your age of thralldom and poverty, your sudden resurrection, commercial redress, and miraculous armament, shall the historian stop at liberty, and observe — that here the principal men among us fell into mimic trances of gratitude; that they were awed by a weak ministry, and bribed by an empty treasury; and, when liberty was within their grasp, and the temple opened her folding doors, and

the arms of the people clanged, and the zeal of the nation urged and encouraged them on, — that they fell down and were prostituted at the threshold.

"I might, as a constituent, come to your bar and demand my liberty, — I do call upon you, by the laws of the land and their violation, by the instruction of eighteen counties, by the arms, inspiration, and providence of the present moment, tell us the rule by which we shall go; assert the law of Ireland; declare the liberty of the land!

"I will not be answered by a public lie in the shape of an amendment; neither, speaking for the subject's freedom, am I to hear of faction. I wish for nothing but to breathe, in this our island, in common with my fellow-subjects, the air of liberty. I have no ambition, unless it be the ambition to break your chain and contemplate your glory. I never will be satisfied so long as the meanest cottager in Ireland has a link of the British chain clanking to his rags; he may be naked, he shall not be in iron; and I do see the time is at hand, the spirit is gone forth, the declaration is planted; and though great men should apostatize, yet the cause will live; and though the public speaker should die, yet the immortal fire shall outlast the organ which conveyed it, and the breath of liberty, like the word of the holy man, will not die with the prophet, but survive him."

Erskine's defence of Stockdale, the publisher of a pamphlet in defence of Warren Hastings, containing certain reflections on the Managers which the House of Commons pronounced libellous, contains a passage of which the ingenuity, no less than the finished art, recalls the best efforts of ancient forensic oratory; though this ingenuity cannot be fully appreciated without the context. At first, Erskine studiously keeps his defence of Stockdale separate from his defence of Hastings; then he gradually suggests that Hastings is entitled to indulgence on account (1) of his instructions, (2) of his situation, (3) of English and European policy abroad, (4) of the depravity to which, universally, men are liable who have vast power over a subject race, — and the last topic is illustrated thus: —

"Gentlemen, I think that I can observe that you are touched by this way of considering the subject; and I can account for it. I have not been considering it through the cold medium of books,

but have been speaking of man and his nature and of human dominion, from what I have seen of them myself among reluctant nations submitting to our authority. I know what they feel, and how such feelings can alone be repressed. I have heard them in my youth from a naked savage, in the indignant character of a prince surrounded by his subjects, addressing the governor of a British colony, holding a bundle of sticks in his hand as the notes of his unlettered eloquence; 'Who is it,' said the jealous ruler over the desert encroached upon by the restless foot of English adventure—'who is it that causes this river to rise in the high mountains and to empty itself into the ocean? Who is it that causes to blow the loud winds of winter, and that calms them again in summer? Who is it that rears up the shade of those lofty forests, and blasts them with quick lightning at his pleasure? The same Being who gave to you a country on the other side of the waters, and gave ours to us; and by this title we will defend it!' said the warrior, throwing down his tomahawk on the ground, and raising the war-sound of his nation. These are the feelings of subjugated men all round the globe; and, depend upon it, nothing but fear will control where it is vain to look for affection."

But no speaker, probably, of modern times has come nearer to the classical type than Burke; and this because his reasonings, his passion, his imagery, are sustained by a consummate and unfailing beauty of language. The passage in which he describes the descent of Hyder Ali upon the Carnatic is supposed to owe the suggestion of its great image, not to Demosthenes, but to Livy's picture of Fabius hovering over Hannibal; the whole passage is infinitely more Roman, more Verrine, if the phrase may be permitted, than Greek; but it is anything rather than diffuse:—

"Having terminated his disputes with every enemy and every rival, who buried their mutual animosities in their common detestation against the creditors of the Nabob of Arcot, he drew from every quarter whatever a savage ferocity could add to his new rudiments in the arts of destruction; and compounding all the materials of fury, havoc, and desolation into one black cloud, he hung for a while on the declivity of the mountains. Whilst the authors of all these evils were idly and stupidly gazing on this menacing meteor, which darkened all their horizon, it suddenly

burst, and poured down the whole of its contents upon the plains of the Carnatic. Then ensued a scene of woe, the like of which no eye had seen, no heart conceived, and which no tongue can adequately tell. All the horrors of war before known or heard of were mercy to that new havoc. A storm of universal fire blasted every field, consumed every house, destroyed every temple. The miserable inhabitants, flying from their flaming villages, in part were slaughtered; others, without regard to sex, to age, to the respect of rank, or sacredness of function, fathers torn from children, husbands from wives, enveloped in a whirlwind of cavalry, and amidst the goading spears of drivers and the trampling of pursuing horses, were swept into captivity in an unknown and hostile land. Those who were able to evade this tempest fled to the walled cities. But, escaping from fire, sword, and exile, they fell into the jaws of famine. For months together these creatures of sufferance, whose very excess and luxury in their most plenteous days had fallen short of the allowance of our austere fasts, silent, patient, resigned, without sedition or disturbance, almost without complaint, perished by a hundred a day in the streets of Madras or on the glacis of Tanjore, and expired of famine in the granary of India."

Brougham contrasts this passage with that in which Demosthenes says that a danger "went by like a cloud," with that where he says, "If the Thebans had not joined us, all this trouble would have rushed like a mountain torrent on the city," and with that where he asks, "If the thunderbolt which has fallen has overpowered, not us alone, but all the Greeks, what is to be done?" Brougham contends that Burke has marred the sublimity of the "black cloud" and "the whirlwind of cavalry" by developing and amplifying both. This, surely, is to confound the plastic with the picturesque—a point which will presently claim our attention. Demosthenes is a sculptor; Burke a painter.

It might, however, have been anticipated that modern oratory would have most resembled the ancient in that branch where the conditions are most nearly similar. If Isokrates could have foreseen the splendid, the unique opportunities which in later ages would be enjoyed by the Christian preacher, what expectations would he not have formed, not merely of the heights that would be attained

(past and living instances remind us that, in this respect, no estimate could well have been too sanguine), but of the average abundance in which compositions of merit would be produced! It will, of course, be recollected that no quality is here in question except that of an eloquence which, regarded as literary prose, has the finish which deserves to be called artistic. If the test, thus defined, be applied, it will be found to afford a striking confirmation of what has already been observed in regard to the effect upon oratory of that especially Protestant conception according to which the orator's function is prophetic. In the combination of argumentative power with lofty earnestness and with eloquence of the Hebraic type, none have surpassed, or perhaps equalled, those divines whose discourses are among the chief glories of the English language. In respect, however, of complete artistic form, of classical finish, a nearer resemblance to the antique has been presented by the great preachers of Catholic France.

The most memorable triumphs of modern oratory are connected with the tradition of thrills, of electrical shocks, given to the hearers at the moment by bursts which were extemporary, not necessarily as regards the thought, but necessarily as regards the form. It was for such bursts that the eloquence of the elder Pitt was famous; that of Mirabeau, and of Patrick Henry, owed its highest renown to the same cause. Sheil's retort, in the debate on the Irish Municipal Bill in 1837, to Lord Lyndhurst's description of the Irish (in a phrase borrowed from O'Connell), as "aliens in blood, language, and religion," was of this kind. Erskine, in his defence of Lord George Gordon, produced an astonishing effect by a protestation — which would have been violent if it had not been solemn — of personal belief in his client's innocence; a daring transgression of the advocate's province, which was paralleled, with some momentary success, in a celebrated criminal case about twenty years ago. Now these sudden bursts, and the shock or the transport which they may cause, were forbidden to ancient oratory by the principal law of its being. In nothing is the contrast more striking than in this — that the greatest oratorical reputa-

tions of the ancient world were chiefly made, and those of the modern world have sometimes been endangered, by prepared works of art. Perikles and Hypereides were renowned for no efforts of their eloquence more than for their funeral orations. Fox's carefully composed speech in honour of the Duke of Bedford, Chatham's elaborate eulogy of Wolfe, were accounted among the least happy of their respective performances. There is, however, at least one instrument of sudden effect which Greek oratory and British Parliamentary oratory once had in common, but which the latter has now almost abandoned — poetical quotation. A quotation may, of course, be highly effective even for those to whom it is new. But the genuine oratorical force of quotation depends on the hearers knowing the context, having previous associations with the passage, and thus feeling the whole felicity of the application as at the instant it is flashed upon the mind. In this respect the opportunities of the Greek orator were perfect. His hearers were universally and thoroughly familiar with the great poets. When *Æschines* applies the lines from *Hesiod* to *Demosthenes*, it is as if *Digby*, addressing Puritans, had attempted to sum up *Strafford* in a verse of *Isaiah*. In the days when all educated Englishmen knew a good deal of *Virgil* and *Horace*, and something of the best English poets, quotation was not merely a keen, but, in skilful hands, a really powerful weapon of parliamentary debate; and its almost total disuse, however unavoidable, is perhaps a more serious deduction than is generally perceived from the rather slender resources of modern English oratory for creating a glow. *Pitt's* speech on the Slave Trade concluded with the expression of this hope — that "Africa, though last of all the quarters of the globe, shall enjoy at length, in the evening of her days, those blessings which have descended so plentifully upon us in a much earlier period of the world": the first beams of the rising sun were just entering the windows of the House, and he looked upward as he said —

Nos . . . primus equis Oriens afflavit anhelis;
Illic sera rubens accendit lumina Vesper.

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